

Dakota County Board of Commissioners  
Monday, January 11, 2010 Re-Organizational Meeting  
Dakota County Courthouse  
County Board Basement Meeting Room  
Dakota City, NE 68731

Chair McLarty called the Board's Re-Organizational Meeting to order at 4:12 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.

Reorganization Agenda Items

Nominations for Chairperson

Motion for nominations to cease and Roll Call Vote.

Vote by secret ballot if more than one Commissioner was nominated.

Nominations for Vice-Chair

Motion for nominations to cease and Roll Call Vote.

Vote by secret ballot if more than one Commissioner was nominated.

Approve Minutes of previous meeting

Roll Call

Consent Agenda Items

Items listed are considered to be routine and may be enacted in a single motion. If a Board member or any person present desires discussion on any of these items, it will be removed from this section and separately considered. A motion is required to accept the items as part of the consent agenda and then a motion to approve the items on the consent agenda. Comments on the consent agenda may be offered by the Co-Chairmen or Director prior to acceptance of the consent agenda.

Renew Employee Association Agreement

Depositories and Securities – Designate holder of Dakota County Monies during 2010. ACTION: 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 the Dakota County State Bank, Iowa-Nebraska State Bank and the Siouxland National Bank, all in South Sioux City.

Commissioner Meetings – Designate when the Board will hold meetings throughout 2010. ACTION -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 reviews the claims prior to the board meeting in which vendor claims are approved.

Courthouse Hours – Designate the hours of the courthouse for Calendar Year 2010. ACTION: 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.

Designate the Legal Newspaper of County. ACTION: to appoint the Dakota County Star as the legal newspaper of the county for the calendar year 2010.

Declare the Holidays and Early Closings M-F Schedule. ACTION: to adopt the holidays and early closings as identified in the Employee Handbook.

Approve policy for Opening and Closing of Graves. ACTION: to adopt the Burial Policy as adopted September 19, 1989 and revised January 7, 2002.

Designate County Government Day as 1<sup>st</sup> Wednesday in October.

Department Heads Appointments/Reappointments. These positions were appointed until their duties are terminated. The Board affirms that they continue in their capacities until their duties be terminated.

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.

End of Consent Agenda

Appointments of Advisors to Various Boards

Area Agency for Aged Advisory Board

SIMPCO

Region IV Mental Health Board

County Health Board

Region IV Developmental Disabilities

R C & D

Planning & Zoning

Golden Rod Hills

Area Agency on Aging Governing Board

NE Nebraska Joint Housing Authority

2009 Member/s

Clara Woten 3 Yr.

Term expiring 2013

Bill McLarty

Bill McLarty

Richard McNear

Bill McLarty

Tony Gomez

Rick Bousquet

Bill Engel

Bill McLarty

Arnie Mellick    Tony Gomez

Corrected 1-19-10 meeting

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

Review and Approve Accounts Payable and payroll claims, Employee Handbook

Three Rivers Benefit – Don Faber / Ron Rapp

Mental Health Parity is not the law for employers over 50 employees.

Mental Health must be covered without restrictions, if it is in the health plan. The Board will be informed of the options and the liabilities that go along with this new law. The Board will take action whether or not Mental Health Parity will be included with the Health Insurance

Tom Kimmel & others – Property Tax increases on his and his neighbors farm land.

Miscellaneous Agenda Items

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

Tabled items – No items on the table

Board Committee Reports

Board Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

Chair McLarty called for the agenda item "nominations for chair".

Commissioner Gomez nominated, seconded by Commissioner McNear to nominate Commissioner William (Bill) McLarty to serve as chair for 2010.

Commissioner Gomez moved, seconded by Commissioner Rohde that nominations cease and the secretary cast a unanimous ballot for Commissioner McLarty to be chair for the calendar year 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 "nominations for vice chair".

Commissioner Rohde nominated, seconded by Commissioner McNear to nominate Commissioner Rick Bousquet for vice chair.

Commissioner McNear moved, seconded by Commissioner Gomez that nominations cease and the secretary cast a unanimous ballot for Commissioner Bousquet to be Vice Chair for 2010.

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

UNANIMOUS MOTION CARRIED.

Don Faber, with Three Rivers, appeared before the board and noted a correction on the agenda. That was that Mental Health Parity is now the law for employers over 50 employees instead of not the law.

He said that the County may include Mental Health Parity in with its health insurance, but that is likely to add 12% cost to the premiums and some additional monetary exposure. On the other hand the County can opt Mental Health Parity out of the health insurance and handle it in other ways.

Commissioner Bousquet moved, seconded by Commissioner McNear for the County to opt Mental Health Parity out of the County's Health Insurance.

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

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Tom Kimmel & others – Property Tax increases on his and his neighbor's farm land."

Mr. Tom Kimmel stepped up to the podium and sited that he owns a farm near Willis and the taxes went up 90% from last year to this year and just could not comprehend that kind of a jump in one year. He said that his assessed value jumped 60%. He added that there were some farmers that went up 160% Charles Nelsen echoed those words.

Dick Erickson stepped up to the podium and outlined the reason for that. He had originally mapped out 3 areas for market in Dakota County and that was in the area by Willis they did not have many sales so their values were not affected much over the years. Last year an individual challenged that and the

courts agreed with him and made him remove that area and to include it with all the hill ground and that made the area by Willis subject to all sales of hill ground and that caused the increase in value. In addition to that Ponca School District raised their levy by 25 cents with the Bond Issue passing.

Chair McLarty called for the consent agenda and informed the board that they could pass it as it is or they could withdraw certain items from the consent agenda if they wanted to discuss certain issues separately.

Board members wished to withdraw the Courthouse House hours and Commissioners Meetings from the consent agenda.

Commissioner Gomez moved, seconded by Commissioner McNear to adopt and approve the balance of the Consent Agenda as stated on the agenda.

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

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 have a trial period in February and March and not meet the third Monday of the month when that does not fall on the schedule of every other Monday, but that claims be processed on the other meetings of the month.

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

Commissioner Bousquet expressed desire to lengthen the Court House hours to 5:30 to give people that get off at 5 p.m. a chance to come to the courthouse without taking off work. It was decided that the Board could control the opening and closing of the exterior doors but not the individual office doors. Commissioner Bousquet moved, 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 McNear moved, seconded by Commissioner Bousquet to leave the members that served as Advisors to Various Boards and Members to serve on Working Committees as they were in 2009.

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

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Payroll Claims submitted by the County Clerk as follows:

COUNTY GENERAL FUND: Gross salaries- \$127,449.08, General Fund Employees Net Pay- \$91,226.01, Employer deductions paid: Retirement- 8,884.37, FICA- 7,759.49, Medicare- 1,814.72, DC Health Plan- 28,500.00, DC Dental Plan- 1,031.70 and Life Insurance- 204.74.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.02, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 537.20, Bobbi Jo Harsma- 1046.43, Theodore Piepho- 1634.45, Marisol Curiel- 934.44, Darlene Davis- 814.10, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 952.43, Kim Kuehl- 814.10, Phyllis Ridge- 995.28, Tracey Corkin- 841.07, Margaret Rahn- 627.21, Daniel Christoffers- 516.80, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1850.19, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1954.89, Anthony Bos- 1692.85, Sandy Dickens- 463.70, Brian Ellinger- 2100.89, Penny Epting- 1698.36, Michael Estes- 1309.07, Brent Gilster- 2046.08, Todd Hammer- 1855.97, Richard Hansen- 1517.10, Melvin Harrison III- 2046.08, Rodney Herron- 1830.92, Jason James- 1683.45, Kimberly Johnson- 179.86, Jared Junge- 1669.50, Michael Kreegar- 1440.72, Gayle Richards- 827.64, Kevin Rohde- 2031.16, James Wagner- 1634.45, Randall Walsh- 1646.45, Kerry Johnson- 856.92, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 996.48, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1273.77, Ermelinda Ballesteros- 1504.80, Joshua Blatchford- 1156.32, Dusty Boyd- 1410.88, Rebecca Broer- 1381.45, Sandy Dickens- 695.55, Lisa Ford- 1465.79, Robert Foster- 1383.42, Linda Frost- 795.60, John Gilles- 1503.18, Alma Gunderson- 1475.10, Amber Hamman- 1105.50, Paula Harrigfeld- 536.81, Cathy Harsma- 1467.76, Deanna Haukap- 1345.74, Jackie Heaton- 1697.88, Jeffrey Heitzman- 1320.87, Adam Hough- 1392.24, Matthew James- 1383.42, Brett Johnson- 1,418.46, Nicholas Kellen- 1287.00, Brenda Kelly- 1307.08, Terry Kern- 1907.72, Keith Klein- 1383.42, Mark Nelson- 1365.38, Travis Olander- 1236.10, Kimberly Peterson- 1383.42, Doyle Pilgrim- 966.96, Daniel Rodasky- 1410.84, Jutharatana Ruenprom- 1355.07, Stephanie Ryan- 1473.66, Linda Schovanec- 1258.60, Francis Tope- 1405.20, Charvette Williams- 1611.39, Jewel Williams- 1600.46, Matthew Wise- 1266.46, Cara Wood- 1566.13, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Maureen Biggar- 962.06, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,013.17, State- 4,390.48, FICA- 7,759.49, Medicare- 1,814.72, Retirement- 6,016.76, Health Plan- 200.00, DC Dental Plan- 483.00, Colonial Health- 32.40, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 632.06, Aflac Life/Dsbl- 188.62 and Flex Plan- 949.11.

COUNTY ROAD PAYROLL: Gross salaries- \$23,072.97, Road Employees Net Pay- \$16,127.60, Employer deductions paid: Retirement- 1,557.40, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 1,408.49, and Medicare- 329.41.

Brent Byroad- 2060.50, Robert Hacker- 1572.37, Ronald Harder- 1380.20, Hans Houfek- 1680.06, Robert Jacobsen- 1616.50, Fred Kellogg- 2307.20, Robert Lillard- 1983.16, Kimon Litras- 1273.28, Arnold Mellick- 2495.76, Willie Peters II- 1739.88, Leon Pies- 625.28, Kip Reinbold- 1727.92, James Swanson- 2610.86.

ROAD FUND: Employee withholding paid to: Federal- 2,244.32, State- 897.63, FICA- 1,408.49, Medicare- 329.41, Retirement- 1,038.28, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 425.55, Aflac Health- 190.40, 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 "Tabled Items" and there were none.

Commissioner Bousquet moved, seconded by McNear to table the Official's Reports. ROLL CALL VOTE: Gomez- Yea, McLarty- Yea, Bousquet- Yea, Rohde-Yea and McNear- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Committee Reports". Commissioner Rohde reported that the Road Budget will be over due to the snow that we have had. He added that they have had to hire private contractors to help out. Chair McLarty noted that the members of several Planning and Zoning Board will be expiring and asked the board how they wished to handle that. Chair McLarty reported Nine Departments are over budget. Chair McLarty informed the Board that Terry Kern gave a speech at the chamber meeting. Chair McLarty informed the Board that Terry Kern will be meeting with the Jail Standards Board on the 22<sup>nd</sup>.

Chair McLarty called for the agenda item "Public Comment". Susan Church asked the board about the Legislature reducing the number of Counties down to 30. Betty O'Neill offered information how the Selective Service did it when they reduced Selective Service Offices.

Chair McLarty called for the agenda item "Board Member Reports". Commissioner Rohde thanked everyone for their support, cards, their thoughts, prayers and food for his mother Ellen's passing.

With no further business Chair McLarty called for a motion to adjourn. 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. 5:20 p.m.



ATTEST:

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, January 19, 2010, 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 and McNear. Commissioner Gomez was absent. Joan Spencer, Administrative Assistant to the Board acted as secretary.

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 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. Correct minutes to reflect that Arnie Mellick should be the member to the NE Nebraska Joint Housing Authority by resolution after the appointments in 2009 were made.

Approve ~~Payroll~~ Accounts Payable Claims submitted by County Clerk for payment.

Leon Pies – Weed Supt. Annual Noxious Weed Control Report and Plan  
Board to approve and sign same.

Cathy Delacruz - To obtain a signed resolution from the County Board of Commissioners for the 2010 Violence Against Women's Act Grant Application. The grant supports victims of domestic violence and sexual assault in Dakota County.

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

Advertise for Planning and Zoning Board Members

Advertise for Board of Adjustments Member to replace Erwin Larsen

Consider and approve whether the Board wants NIRMA to participate in a payroll audit. Cost is \$1,000

Tabled Items: Motion to take from the table the Official's Reports.

Official's Reports - Approve

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

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

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 minutes of January 11, 2010, with correction to reflect that Arnie Mellick should be the member to the NE Nebraska Joint Housing Authority.

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

Commissioner Bousquet moved, seconded by Commissioner Rohde, to withhold and table until January 25<sup>th</sup> Board Meeting the accounts payable claim for 2010 membership dues to Nebraska Loess Hills RC&D.

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

Commissioner Rohde moved, seconded by Commissioner Bousquet, to approve accounts payable claims as follows:

**GENERAL FUND:** Verizon, phone- 33.78; Maureen Biggar, mileage- 116.05; Jan Brown, prior yrs- 23.08; Pam Devries, mileage- 242.27; Gloria Dwyer, prior yrs- 11.54; Staples, laptop- 789.97; Dr Thomas Wentz, physician- 250.00; Alltel, phone- 300.00; Deanna Beckman, hours- 1230.00; Sharon Erickson, clinic- 95.00; Pat Glover, clinic/food- 260.38; Hy-Vee, food- 371.74; Hope Lutheran Church, clinic- 75.00; LEC, Claritus contract- 324.50; Judi Neswick, clinic- 110.00; Perkins, supplies- 104.14; Molly Pierce, clinic- 95.00; SSC Police Officers Union, clinic officer- 100.00; Roxanne Voss, clinic- 60.00; Alan Boyd, mileage- 205.00; Army Times, subscription- 55.00; Electronic Engineering, pager- 13.95; Navy Times, subscription- 55.00; Staples, computer/software- 1019.80; Warren Johnston, prior yrs- 11.54; Thomson West, service- 735.43; Shirley Bentz, prior yrs- 92.32; CableOne, internet- 258.60; Claritus, ink/seal it solution- 471.23; City of SSC, storm water- 15234.00; Dakota City Postmaster, presort fee- 185.00; Fibercomm, phone- 1197.83; FSH Comm, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; IBM Corp, server contract- 218.58; MIPS, support- 407.84; Betty O'Neill, prior yrs- 46.16; Region IV Inc, qtrly service- 5320.25; Madelyn Thorland, prior yrs- 10.00; Three Rivers Benefit, admin fee- 80.00; US Postal Service, postage- 2500.00; Road Fund, budget transfer- 60000.00; Road Improvement Fund, budget transfer- 7000.00; Weed Fund, budget transfer- 700.00; Dakota County Star, publishing- 423.44; Gretchen Hirschbach, prior yrs- 69.24; NACO, workshop- 80.00; Perkins, supplies- 18.64; Daniel Rohde, prior yrs- 23.08; Oscar Stone, prior yrs- 23.08; Perkins,

supplies- 77.32; Eloise Gormally, prior yrs- 103.86; MIPS, supplies- 242.07; Spectra Associates, posts- 62.95; AJ Phillips, supplies- 175.00; AS Central Services, data storage- 15.00; Charlotte Doenhoef, prior yrs- 10.00; Robert Giese, mileage- 102.60; Ruth Jensen, prior yrs- 12.00; Security Shredding, shredding- 35.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Mark Dorcey, prior yrs- 46.16; Microfilm Imaging, lease- 240.00; Dakota City Postmaster, stamps- 16.80; Todd's Store all, storage- 80.00; Nebraska Assoc of County Officials, membership dues- 75.00; Theodore Piepho, phone- 20.00; Gene Cantrell, mileage/meeting- 45.40; Dakota Business Systems, contract- 102.00; 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- 22.70; Andy Olson, mileage/meeting- 58.60; Martin Rohde, mileage/meeting- 23.80; Perkins, supplies- 101.61; AS Central Services, supplies- 37.56; Dakota Business Systems, lease- 99.00; Matthew Bender, service- 24.35; Microfilm Imaging, scanning- 100.50; New Perspectives, shredding- 22.50; Kurt Rager, supplies- 32.51; Raul Escobedo, interpret- 112.50; Matthew Bender, service- 96.71; Midwest Office Automations, toner- 103.90; Perkins, supplies- 50.21; Kimberly Bell, witness fee- 24.40; Dakota County Court, costs- 2549.74; Randy Hisey, court appointed counsel- 1020.00; Dennis Hurley, court appointed counsel- 2736.00; Kueny & Begley, court appointed counsel- 510.00; James LaFleur, witness fee- 31.00; Guadalupe Mancilla, witness fee- 31.00; Stuart Mills, court appointed counsel- 525.00; Douglas Roehrich, court appointed counsel- 690.00; Humberto Ruiz, witness fee- 20.00; Patrick Tott, court appointed counsel- 1320.00; Cindy Weber-Blair, court appointed counsel- 2220.00; District Court, claims- 708.00; Randy Hisey, court appointed counsel- 342.00; Dennis Hurley, court appointed counsel- 234.00; Stuart Mills, court appointed counsel- 1035.00; MIPS, service- 85.00; Stratton Law, court appointed counsel- 1273.60; Richard Thramer, court appointed counsel- 487.76; Jo Van Tuyl, court reporter- 104.00; Cindy Weber-Blair, court appointed counsel- 300.00; Dakota County Sheriff, papers/warrants- 2108.35; Maximus, cost allocation- 1029.82; Ateam heating, service- 624.28; Benstar packaging- supplies- 224.49; Bomgaars, supplies- 119.15; Bunkers Feed & Supply, salt- 63.80; Circle S South, supplies- 77.00; City of DC, utilities- 709.01; Gill Hauling, service- 120.00; Joes Dept Store, supplies- 108.06; Menards, supplies- 181.11; MidAmerican Energy, utilities- 1169.00; Klemmet Dean, prior yrs- 84.00; Nebraska State Fire Marshall, inspection- 120.00; New Ideas Fabrication, repair- 240.00; O'Keefe Elevator, maintenance- 345.36; Nebr Public Power Dist, utilities- 1631.98; Richard Jensen, mileage- 53.66; Robertson Imp, repair- 31.95; Sam's Club, supplies- 153.90; Share Corp, supplies- 1046.96; Trembly Pest Control, service- 50.00; Verizon, phone- 58.44; Extension Office, reimburse- 809.11; PMNRD, rent- 833.33; Patricia Stingley, prior yrs- 103.86; Kerry Bligh, animal control- 150.00; City of SSC, copies/fuel- 4670.45; Crystal Oil, fuel- 42.21; Dakota Food & Fuel, fuel- 593.98; Fremont Tire, service/repair- 1398.08; Harold's, film- 7.80; Hornandy, ammunition- 1494.40; Amy Hueser, interpret- 30.00; Jacks Uniforms, supplies- 389.90; Jackson Glass, service- 171.75; Joes Dept Store, supplies- 85.34; Nebraska Sheriffs Association, dues- 375.00; Racom, t1- 707.40; Troy's Auto World, repair- 133.00; Verizon, phone- 264.40; Wal-Mart, supplies- 50.82; Des Moines Stamp, stamp/inkpad- 79.00; Douglas County Sheriff, witness fee- 24.38; H2O4U, water- 17.00; Iowa Office Supply, contract- 95.52; Lexis Nexis, books- 287.94; Madison County Court, copies- 5.00; New Perspectives, document destruction- 21.00; Peter Parry, cle requirements- 60.00; Quill, supplies- 165.07; Debra Fergen, mileage- 138.05; Verizon, phone- 137.51; Kim Watson, cle seminar/filing fee- 239.00; City of SSC, lec cost share- 30617.96; AJ Phillips, business cards- 45.00; BI Inc, electric monitoring- 1172.03; Verizon, phone- 55.20; Amsan, supplies- 1896.56; Aramark, admin- 52.88; Ateam Heating, repair- 584.16; BI Inc, arrest- 334.40; Bob Barker, supplies- 542.12; Barone Security Systems, inspection- 970.00; CBM Food Service, meals- 25589.94; Cash-Wa Distributing, meals/supplies- 52.99; City of DC, utilities- 938.80; Dakota Business Systems, contract- 422.04; Dakota County Sheriff, books- 183.19; Dakota Family Dentistry, medical- 92.00; Dakota Food & Fuel, fuel- 377.71; Dept of Correction Services, Safekeepers- 2255.68; Sandy Dickens, mileage- 83.40; Gill Hauling, service- 120.00; Grainger, medical- 485.10; Amy Hueser, interpret- 20.00; Jacks Uniforms, supplies- 119.10; Joes Dept Store, supplies- 132.70; Kleen Solutions, supplies- 223.80; Lincare, oxygen- 175.79; Menards, supplies- 56.44; Mercy Business Health, medical- 2151.00; Mercy Medical Center, medical- 7826.83; MidAmerican Energy, utilities- 2659.62; Midwest Office Automations, contract- 194.09; Moore Medical, medical- 346.73; Nebr Public Power Dist, utilities- 2226.15; NE Nebr Juvenile Serv, boarding- 262.50; NLETC, lodging- 180.00; NW Iowa Emerg Phys, medical- 462.00; Net Sys Plus, antivirus renewals- 778.99; Overhead Door, garage door- 88.50; Doyle Pilgrim, mileage- 10.00; Sam's Club, supplies- 124.58; SFCU, meals- 53.63; Speedy Rooter, repairs- 226.00; Staples, supplies- 103.20; Verizon, phone- 200.00; Wal-Mart, 1818.83; Woodbury Co Juv Det, boarding- 5400.00; Dodge County Clerk, quarterly billing- 12667.80;

**ROAD FUND:** Advance Auto, parts- 41.79; Aramark, service- 363.89; AZ Inc, fuel- 152.01; Bs Enterprises, signs- 870.00; Bomgaars, supplies- 510.84; Carquest, parts- 40.75; City of SSC, salt- 1828.27; Frame Aligners, parts/labor/snow- 26896.35; GCR Tire Center, tires- 519.76; Gill Hauling, service- 55.00; Guarantee Oil, oil/supplies- 996.56; Walter Heinemann, prior yrs- 29.00; Heritage Express, fuel- 233.54; Hans Houfek, clothing- 36.49; Hubbard Minimart, fuel- 1264.73; Hydraulic Sales & Svc, parts- 44.54; H2O4U, water- 25.50; New Sioux City Iron, supplies- 362.73; Jackson Glass, parts/labor- 150.00; J&J Pronto, fuel- 308.37; Joes Dept Store, parts/supplies/tools- 1662.11; Kinetic Leasing, loader/interest- 2458.00; LG Everist, rock- 637.65; Linweld, oxy- 353.70; Kimon Litras, clothing- 68.46; Lux Bros Trucking, Snow- 18375.00; Marx Distribution, chemicals- 233.75; Marx Truck & Trailer, parts/chains- 119.90; Richard McNear, prior yrs- 57.70; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts- 33.78; NAPA, supplies/oil- 650.54; Nebr Public Power Dist, utilities- 52.80; NE Nebr Public Power Dist, utilities- 313.12; Northeast Nebr Telephone, phone- 168.52; Peterson Sand & Gravel, snow- 9100.00; Pumps, tires- 1180.00; Power plan, parts/supplies- 865.29; Willis Roeber, prior yrs- 69.24; Sapp Brothers Petro, propane- 1064.16; Siouxland Hydraulics, parts- 41.05; Steffen, blade- 457.00; Stephan Welding, supplies- 76.25; Titan Access, oil/supplies- 420.10; Verizon, phone- 53.46; Warren Oil, fuel- 11799.90; Ziegler's, parts/supplies- 4286.92;

**ROAD IMPROVEMENT:** Arnold Mellick, bridge inspections- 539.00; Olsson Associates, engineering- 7425.00;

**VETERANS AID:** Veterans Service Office, emergency relief- 1500.00;

**PUBLIC SAFETY:** City of SSC, sls tax- 4663.59; Jail Bond Fund, sls tax- 34199.68;

**WEED FUND:** Heritage Express, fuel- 69.00; Holiday Inn, lodging- 267.71; Hubbard Minimart, fuel- 325.00; NAPA, oil/parts- 64.32; Nebr Weed Control Assoc, conference- 85.00; Leon Pies, meals/workshop- 21.35; Siouxsland Lock & Key, lock- 16.85; Staples, supplies- 15.99;

**E911:** City of SSC, 911 monies- 22061.54

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

Leon Pies, Weed Superintendent, presented the Annual Noxious Weed Control Report and Plan. Mr. Pies noted that each commissioner had received a copy of the Plan and briefly reviewed the Plan: (1) Budget Report—supplies the state with current year budget and prior year budget; (2) Weed Control Authority Board Roster—members are the County Board of Commissioners; (3) Noxious Weed Infestation Report—this supplies the state with tracking the weeds, severity of infestation, where they are moving and noted that a county can name a noxious weed; (4) Nebraska Watch List Infestation Report—weeds need to meet certain criteria to be on this list; (5) Activity Report—includes Mr. Pies educational hours as required, how general public is educated about noxious weeds; and (6) Noxious Weed Control Plan—informs the state how we will control weeds, last year's success, recommendations for new equipment such as an ATV for spraying river banks and equipment for spraying road ditches.

Commissioner Rohde moved, seconded by Commissioner McNear, to accept the Noxious Weed Report as presented by Leon Pies, Weed Supt.

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

Cathy Delacruz addressed the Board on behalf of Haven House asking for the Board's support of their Violence Against Women grant request for \$60,721. This is not a request for financial support, just the Board's signatures of support.

Commissioner Bousquet moved, seconded by Commissioner McNear, to approve and sign Resolution 10C-001 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, as follows:

**RESOLUTION 10C-001**

BE IT RESOLVED BY THE BOARD OF DAKOTA COUNTY

COMMISSIONERS THAT on this 19<sup>th</sup> day of January, 2010, 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 19<sup>th</sup> day of January, 2010.

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

Fred Kellogg, Road Director, informed the Board that a road within a city or village limits is owned 100% by the city or village.

Commissioner Bousquet moved, seconded by Commissioner Rohde, to cancel 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.'

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

Chair McLarty noted three member positions on the Planning and Zoning Board will expire. Commissioner McNear moved, seconded by Commissioner Bousquet, to approve the following advertisement with a March 1<sup>st</sup> closing date:

The Dakota County Board of Commissioners is seeking citizens interested in serving on the Dakota County Planning and Zoning Commission. Three appointments will be made from the following geographical areas: (1) Village/rural Homer (2) rural Dakota City and (3) Village of Jackson. To be considered for appointment, 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* by March 1, 2010.

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

Commissioner McNear moved, seconded by Commissioner Rohde, to approve advertising for a Board of Adjustment member to replace Erwin Larsen with a March 1<sup>st</sup> deadline.

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 March 1, 2010.

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

It was the consensus of the Board to not participate in a payroll audit for the cost of \$1,000.

Commissioner Bousquet moved, seconded by Commissioner Rohde, to take the Official's Reports from the table.

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

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the following Official's Reports: County Clerk fees for October, November and December, 2009; County Clerk quarterly interest earned for July to September, 2009; Clerk of District Court fees for October, November and December, 2009; Register of Deeds fees for April, May, June, July, October, November and December, 2009; Sheriff fees for quarter October to December, 2009; Jail fees for quarter October to December, 2009; and Veterans Service Officer activity and fee reports for quarters April to June, 2009, July to September, 2009, and October to December, 2009.

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

Commissioner Committee Reports were given. Commissioner Bousquet reported that at his LEC meeting Pat Foust told them he is working with FEMA (Federal Emergency Management Association) to recover some cost of recent snow storms. He will attend the Planning & Zoning meeting tonight. Commissioner Rohde praised the Road Department for all their hard work and long hours in their snow removal efforts. Commissioner McNear attended a Health Board meeting and said there were some budget concerns. Commissioner McLarty noted that the County is also working with FEMA for snow storm recovery cost reimbursements and commended the Road Department in their efforts to submit the data needed to FEMA. Snow removal cost to date for both storms is around \$250,000. Commissioner McLarty explained there are 955 legislative bills as of last Friday. He is interested in promoting LB955—adopt a Correctional Facility Reimbursement Act. Chair McLarty with attend a Jail Standards meeting this Friday as well as a legislative meeting.

Public Comment. Mark Grebner, West Plains Engineering, informed the Board that last spring he completed a study so that Dakota County could apply for some stimulus grant money for courthouse energy efficiency upgrades. The County received \$87,300 and he would like to take the next step and put together plans and specifications for competitive bidding for a portion of the heating and air conditioning equipment in the county courthouse. Mr. Grebner outlined which equipment would be upgraded.

Commissioner Bousquet moved, seconded by McNear, to adjourn the meeting,

ROLL CALL VOTE: McNear- yea, Gomez- absent, McLarty- yea, Bousquet- yea, Rohde- yea.  
UNANIMOUS MOTION CARRIED at 4:37 pm.



Dakota 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  
Emergency Meeting, Tuesday, January 26, 2010  
Dakota County Courthouse  
Meeting moved to the Office of Board Administrative Assistant  
Dakota City NE 68731

Chair McLarty called the meeting to order at 10:06 a.m.

Roll Call: Present by teleconference were Commissioners Rohde, McNear and Gomez. Present in person was Commissioner McLarty. Absent: Commissioner Bousquet. Joan Spencer, Administrative Assistant to the Board acted as secretary.

The County Board did not have their meeting scheduled for Monday, January 25, 2009 because of the weather conditions. Therefore an Emergency Meeting was called on January 26, 2009 to approve the payroll so the County Clerk was authorized to pay all County Employees.

Commissioner McNear moved, seconded by Commissioner Gomez, to approve the County payroll as presented:

COUNTY GENERAL FUND: Gross salaries- \$130,816.73, General Fund Employees Net Pay- \$93,387.26, Employer deductions paid: Retirement- 9,097.22, FICA- 7,972.86, Medicare- 1,864.65, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 202.98.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 615.40, Bobbi Jo Harsma- 1080.41, Theodore Piepho- 1634.45, Marisol Curiel- 919.47, Darlene Davis- 907.14, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 971.10, Kim Kuehl- 930.40, Phyllis Ridge- 931.48, Tracey Corkin- 930.54, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1225.13, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1579.39, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1954.89, Anthony Bos- 2235.20, Sandy Dickens- 463.70, Brian Ellinger- 2085.73, Penny Epting- 1983.55, Michael Estes- 1211.70, Brent Gilster- 1920.98, Todd Hammer- 1820.93, Richard Hansen- 1548.30, Melvin Harrison III- 2001.05, Rodney Herron- 1830.92, Jason James- 1726.73, Kimberly Johnson- 349.14, Jared Junge- 1865.03, Michael Kreegar- 1695.85, Gayle Richards- 852.14, Kevin Rohde- 1925.57, James Wagner- 1634.45, Randall Walsh- 1822.48, Kerry Johnson- 903.24, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 1079.52, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1630.14, Ermelinda Ballesteros- 1494.90, Joshua Blatchford- 1306.80, Dusty Boyd- 1426.03, Rebecca Broer- 1431.57, Sandy Dickens- 847.73, Lisa Ford- 1412.67, Robert Foster- 1637.45, Linda Frost- 795.60, John Gilles- 1426.44, Alma Gunderson- 1498.86, Amber Hamman- 1266.38, Paula Harrigfeld- 641.11, Cathy Harsma- 1489.40, Deanna Haukap- 1410.84, Jackie Heaton- 1823.98, Jeffrey Heitzman- 1540.59, Adam Hough- 1407.12, Matthew James- 1524.14, Brett Johnson- 1,393.84, Nicholas Kellen- 1457.28, Brenda Kelly- 1334.98, Terry Kern- 1923.08, Keith Klein- 1520.49, Mark Nelson- 1365.38, Travis Olander- 1678.55, Kimberly Peterson- 1379.76, Doyle Pilgrim- 905.76, Daniel Rodasky- 1407.12, Jutharatana Ruenprom- 1403.40, Stephanie Ryan- 1485.46, Linda Schovanec- 1311.38, Francis Tope- 1371.10, Charvette Williams- 1479.57, Jewel Williams- 1414.55, Matthew Wise- 1500.38, Cara Wood- 1493.33, Jolene Gubbels- 1018.83, Leon Pies- 640.00, Maureen Biggar- 302.94, Pamela DeVries- 1636.90, Bonnie Kahler- 1004.57, Shirley Voss- 378.69, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,678.38, State- 4,597.23, FICA- 7,972.86, Medicare- 1,864.65, Retirement- 6,162.37, Health Plan- 200.00, DC Dental Plan- 441.00, Colonial Health-, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 632.07, Aflac Life/Dsbl- 188.62 and Flex Plan- 949.03.

COUNTY ROAD PAYROLL: Gross salaries- \$15,814.93, Road Employees Net Pay- \$11,141.65, Employer deductions paid: Retirement- 1,067.52, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 958.49, and Medicare- 224.17.

Brent Byroad- 1340.68, Robert Hacker- 1754.60, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1395.65, Leon Pies- 688.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,236.36, State- 515.34, FICA- 958.49, Medicare- 224.17, Retirement- 711.67, DC Health Plan-, DC Dental Plan- 105.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 425.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

VISITORS PROMOTION: South Sioux City Chamber of Commerce- lodging tax, 6,470.92.

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

**MINUTES CONTINUED ON THE NEXT PAGE**

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Commissioner Gomez motioned, seconded by Commissioner McNear, to adjourn the emergency meeting.

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

Motion Carried 10:09 a.m.



Dakota 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, February 8, 2010, 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, Gomez, Rohde, McNear and Ted Piepho Secretary. Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney were also present.

Commissioner Bousquet was absent.

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 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 January 19, 2010 meeting.
- Approve Minutes of Emergency Meeting January 26, 2010.

Recess to Board of Corrections

Mike Newhouse - County Agreement with Towing Companies

- Approve same

Don Faber and Ron Rapp – Renewal for the Dakota County Healthcare Plan

- Approve a renewal option for the County and the Employees.

Kim Jorgensen – Provide a brief overview of Employee Assistance Program Services and Answer Questions.

- Approve Employee Assistance Program Services

Matt Robins, Mercy Medical Center

- Introduce the County Board to Mercy's Workforce Health Initiative
  - The objective of the Workforce Health Initiative is to collaborate with area employers to identify and address employee health risks before they result in costly healthcare claims.
  - Approve policy and/or documents

Ralph Puls – Papio Missouri River Natural Resources District

- Adopt Continuing Resolution on Pigeon Jones Creek Site 15 Flood Control and Recreation Area.

Randy Walsh - Discussion reference purchasing new vehicles. Discussion of Prices and whether can lease purchase. - Board approval of the purchase and approval to lease purchase

Fred Kellogg - Mr. Kellogg would like to order an extra pickup with the Sheriff's Office Order and Board to approve that purchase and/or Lease Purchase arrangements.

Jared Junge – President FRATERNAL ORDER OF POLICE DAKOTA COUNTY LODGE #49

- Discussion on Mental Health Parity and EAP Program
- Discussion on follow up to form Merit Commission for the Jailors

Terry Kern, Corrections Administrator - Authorize Chair to sign letter of employment agreement with Terry Kern

- Amend and approve CBM Food Contract to reflect 2 hot meals per day.
  - Would increase the price of the meal 5 cents per meal

Miscellaneous Agenda Items

- "Approve Service Agreement with M+ Architects and its consultants to prepare bid documents to secure bids from contractors to perform the work for the Dakota County Energy Grant."
- Jail Tour
- Approve Payroll Claims
- Approve Accounts Payable Claims
- Discussion and clarification of submission and payment of A/P Claims
  - Possible action on claims

Tabled Items:

- Loess Hills Membership Claim that was tabled January 19, 2010.

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment.

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

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

Chair McLarty called for the agenda item "Approve Minutes of the January 19, 2010 meeting."

Commissioner McNear moved, seconded by Commissioner Gomez, to approve the minutes of the January 19, 2010, as typed and prepared for the Official Record.

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

Chair McLarty called for the agenda item "Approve Minutes of Emergency Meeting January 26, 2010." Commissioner McNear moved, seconded by Commissioner Rohde, to approve the minutes of the Emergency Meeting January 26, 2010, as typed and prepared for the Official Record.

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

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

Chair McLarty called for the agenda item "Mike Newhouse - County Agreement with Towing Companies."

Mr. Newhouse presented a situation where his son was caught up in the recent snow storm and that he was forced to leave his car along the road side. Before their towing company got there to tow the vehicle, law enforcement called and had the vehicle towed. He was charged \$190 and the towing company towed it about one quarter of a mile which he felt was predatory and excessive. He said that he heard where people were charged more than that. He made reference to the towing agreement, which was not signed, but encouraged the County Board look at the agreement and close some of the loop holes in the agreement.

Chair McLarty said that the agreement would be between the Sheriff's Office and the towing agencies and the Board was not involved.

Chair McLarty called for the agenda item "Don Faber and Ron Rapp – Renewal for the Dakota County Healthcare Plan - Approve a renewal option for the County and the Employees."

Ron Rapp and Don Faber provided the board with past history of the claims and said that they were working on getting renewal quotes, but did not have them yet. They expected to have the in a couple days and suggested that they authorize the County Clerk to evaluate the quotes and recommend the best plan for the county to the Chair of the Board and authorize him to sign the contracts. Out side of that they volunteered to attend a Special Meeting if the Board would rather go that route.

Commissioner Gomez moved, seconded by Commissioner McNear to authorize the clerk to evaluate the plans presented and to authorize the chair to sign the Health Insurance plan recommended by the County Clerk.

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

Chair McLarty called for the agenda item "Kim Jorgensen – Provide a brief overview of Employee Assistance Program Services and Answer Questions and to Approve Employee Assistance Program Services."

Kim Jorgensen explained how the Employee Assistance Program Services would work and how the county could benefit in providing these services.

Commissioner Rohde moved, seconded by Commissioner McNear to table the County's participation in the Employee Assistance Program Services that was presented by Kim Jorgensen.

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

Chair McLarty called for the agenda item "Matt Robins, Mercy Medical Center

- Introduce the County Board to Mercy's Workforce Health Initiative
  - The objective of the Workforce Health Initiative is to collaborate with area employers to identify and address employee health risks before they result in costly healthcare claims.
  - Approve policy and/or documents

Mr. Matt Robins explained this program and how he thought it would benefit the County.

Commissioner Rohde moved, seconded by Commissioner Gomez to table Mercy's Workforce Health Initiative, which is to collaborate with area employers to identify and address employee health risks before they result in costly healthcare claims, as presented by Matt Robins.

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

Chair McLarty called for the agenda item "Ralph Puls – Papio Missouri River Natural Resources District"

- Adopt Continuing Resolution on Pigeon Jones Creek Site 15 Flood Control and Recreation Area.

Mr. Puls explained where the NRD is on this project and asked the board to adopt a resolution that they are continuing to support the Pigeon/Jones Creek Special Watershed Project that has been developed by the Papio-Missouri River NRD and the Natural Resources Conservation Service.

Commissioner Rohde moved, seconded by Commissioner Gomez to adopt Resolution 10C-002 that the Dakota County Board of Commissioners hereby supports the Pigeon/Jones Creek Special Watershed Project that has been developed by the Papio-Missouri River NRD and the Natural Resources Conservation Service.

#### RESOLUTION 10C-002

Resolution to Support Pigeon/Jones Creek Special Watershed Project

WHEREAS, the Papio-Missouri River NRD and the Natural Resources Conservation Service has developed the Pigeon/Jones Creek Special Watershed Project; and,

WHEREAS, this project provides financial incentives to landowners to protect the uplands from soil erosion and sedimentation and reduce flood damages and deposition of sediment in the bottomlands of the watershed; and,

WHEREAS, public benefits include reduced maintenance costs in the drainage system, improved water quality, and wildlife habitat; and,

WHEREAS, the project will include a public recreation area with water-based recreation, camping, hiking, biking and equestrian trails, outdoor education and numerous other outdoor recreation amenities.

THEREFORE, LET IT BE RESOLVED, that the Dakota County Board of Commissioners hereby support the Pigeon/Jones Creek Special Watershed Project that has been developed by the Papio-Missouri River NRD and the Natural Resources Conservation Service.

Adopted and passed this 8<sup>th</sup> day of February, 2010.

/s/ Antonio A. Gomez  
Commissioner

/s/ William B. Rohde  
Commissioner

/s/ Richard McNear  
Commissioner

/s/ Rick Bousquet - Absent  
Commissioner

/s/ Theodore A. Piepho  
County Clerk

/s/ William I. McLarty  
Commissioner

SEAL

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

Chair McLarty called for the agenda item "Randy Walsh - Discussion reference purchasing new vehicles. Discussion of Prices and whether can lease purchase. - Board approval of the purchase and approval to lease purchase."

Mr. Walsh explained that the state bid was Chevrolet Pickups and Dodge Cars. He said that they were contacted by Woodhouse Ford and they said that they would like to submit a bid to us and the Sheriff's Office said that they could.

When the Sheriff's Office took a look at the state bids for the Chevrolet Pickup and added options, which was split front seat and warranty. When they looked at Woodhouse Ford for pickups like they have now, they came in \$4 cheaper than the Chevy. Their bid was \$26,300. Mr. Walsh asked the Board to approve the Sheriff's Office purchasing three pickups and arrange to purchase them through the NACO Lease Purchase.

Commissioner Rohde moved, seconded by Commissioner Gomez to authorize the Sheriff's Office to purchase three (3) Ford Pickups from Woodhouse Ford and to authorize the Board Chair to sign all documents for the purchase of the vehicle. Be it further resolved to authorize lease purchasing these vehicle through the NACO Lease Program and to authorize the Board Chair to sign all documents to secure the lease purchase of these vehicles.

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

Chair McLarty called for the agenda item "Fred Kellogg - Mr. Kellogg would like to order an extra pickup with the Sheriff's Office Order - Board to approve that purchase and/or Lease Purchase arrangements."

Commissioner Rohde moved, seconded by Commissioner Gomez to authorize the Road Department to purchase one (1) Ford Pickup in conjunction with the Sheriff's Office from Woodhouse Ford and to authorize the Board Chair to sign all documents for the purchase of the vehicle. Be it further resolved to authorize lease purchasing this vehicle through the NACO Lease Program and to authorize the Board Chair to sign all documents to secure the lease purchase of this vehicle and that all four vehicles be included in the same lease purchase agreement if it is to the County's advantage.

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

Jared Junge President of FRATERNAL ORDER OF POLICE DAKOTA COUNTY LODGE #49 said that the FOP agrees with the EAP Program that Kim Jorgensen is proposing that the County adopt.

Mr. Junge mentioned the fact to have an option to join the YMCA for a wellness program.

Mr. Junge added that Mr. Robins gave a very good presentation.

Chair McLarty called for the agenda item "Terry Kern, Corrections Administrator - Authorize Chair to sign letter of employment agreement with Terry Kern"

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the following Letter of Employment with Terry Kern and to authorize the chair to sign said agreement.

February 8, 2010

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 second-year performance evaluation. Your annual salary will be \$50,000 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, 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, 2010, 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 have completed the Nebraska jail supervisor/manager certification course.

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  
 William I. McLarty, Chairman  
 Dakota County Board of Commissioners

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

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

Commissioner Rohde moved, seconded by Commissioner Gomez to approve amending the CBM Food Contract, as follows, to include an additional hot meal per day and to authorize the Chair to sign same.

**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 (January 1, 2009 through December 31, 2009). New prices will take effect on January 1, 2009.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.68	\$1.75	\$1.82	\$1.93	\$2.04	\$2.18	\$2.34
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
CPI Adjustment 4.6%	\$1.76	\$1.83	\$1.90	\$2.02	\$2.13	\$2.28	\$2.45

Rates reflect CPI Adjustment Rate of 4.6%

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 day of Sept, 2008

Dated this 25<sup>th</sup> day of August, 2008

\_\_\_\_\_  
 Jackie Hartnet  
 Jackie Hartnet  
 Dakota County, Nebraska

\_\_\_\_\_  
 Shane V. Sejnoha  
 Shane V. Sejnoha  
 President of Corrections  
 CBM Foodservice

\_\_\_\_\_  
 Terry Kerns  
 Terry Kerns  
 Jail Administrator

\_\_\_\_\_  
 Witness



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

Chair McLarty called for the agenda item "Approve Service Agreement with M+ Architects and its consultants to prepare bid documents to secure bids from contractors to perform the work for the Dakota County Energy Grant."

Commissioner McNear moved, seconded by Commissioner Gomez to approve Service Agreement with M+ Architects and its consultants to prepare bid documents to secure bids from contractors to perform the work for the Dakota County Energy Grant.

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

Chair McLarty called for the agenda item "Approve Payroll Claims."

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

COUNTY GENERAL FUND: Gross salaries- \$123,691.58, General Fund Employees Net Pay- \$88,202.69, Employer deductions paid: Retirement- 8,631.21, FICA- 7,510.44, Medicare- 1,756.49, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 202.05.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 510.00, Bobbi Jo Harsma- 1087.21, Theodore Piepho- 1634.45, Marisol Curiel- 910.48, Darlene Davis- 901.33, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 939.98, Kim Kuehl- 901.33, Phyllis Ridge- 912.34, Tracey Corkin- 936.51, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 938.44, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1606.47, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1802.51, Anthony Bos- 1814.93, Sandy Dickens- 463.70, Brian Ellinger- 2020.04, Penny Epting- 1895.98, Michael Estes- 1402.11, Brent Gilster- 1755.89, Todd Hammer- 2081.06, Richard Hansen- 1318.20, Melvin Harrison III- 1921.00, Rodney Herron- 1830.92, Jason James- 1514.64, Kimberly Johnson- 290.95, Jared Junge- 1670.50, Michael Kreegar- 1695.85, Gayle Richards- 852.14, Kevin Rohde- 1925.57, James Wagner- 1634.45, Randall Walsh- 1915.70, Kerry Johnson- 897.45, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1270.12, Ermelinda Ballesteros- 1330.56, Joshua Blatchford- 1322.64, Dusty Boyd- 1227.15, Rebecca Broer- 1383.45, Sandy Dickens- 777.08, Lisa Ford- 1298.55, Robert Foster- 1206.15, Linda Frost- 816.00, John Gilles- 1298.55, Alma Gunderson- 1314.72, Amber Hamman- 1369.50, Paula Harrigfeld- 101.23, Cathy Harsma- 1298.55, Deanna Haukap- 1223.06, Jackie Heaton- 1792.46, Jeffrey Heitzman- 1224.43, Adam Hough- 1223.06, Matthew James- 1374.29, Brett Johnson- 1227.15, Nicholas Kellen- 1326.60, Brenda Kelly- 1315.05, Terry Kern- 1923.08, Keith Klein- 1202.50, Mark Nelson- 1365.38, Travis Olander- 1226.78, Kimberly Peterson- 1206.15, Doyle Pilgrim- 942.48, Daniel Rodasky- 1273.25, Jutharatana Ruenprom- 1223.06, Stephanie Ryan- 1286.75, Linda Schovanec- 1299.20, Francis Tope- 1212.00, Charvette Williams- 1294.62, Jewel Williams- 1230.49, Matthew Wise- 1226.25, Cara Wood- 1298.55, Jolene Gubbels- 1018.83, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 740.15, Shirley Voss- 1168.00, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 10,601.05, State- 4,193.16, FICA- 7,510.44, Medicare- 1,756.49, Retirement- 5,848.15, Health Plan- 450.00, DC Dental Plan- 504.00, Colonial Health-, Sheriff Union Dues- 355.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 653.44, Aflac Life/Dsbl- 234.87 and Flex Plan- 949.03.

COUNTY ROAD PAYROLL: Gross salaries- \$16,540.11, Road Employees Net Pay- \$11,619.59, Employer deductions paid: Retirement- 1,116.44, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 1,002.16, and Medicare- 234.36.

Brent Byroad- 1612.16, Robert Hacker- 1455.48, Ronald Harder- 1404.40, Hans Houfek- 1419.58, Robert Jacobsen- 1437.38, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1497.96, Willie Peters II- 1389.67, Leon Pies- 652.00, Kip Reinbold- 1455.48, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,336.59, State- 554.85, FICA- 1,002.16, Medicare- 234.36, Retirement- 744.32, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 425.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

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 Accounts Payable Claims."

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

GENERAL FUND: Dak. Co. Star, publishing- 272.33; William McLarty, mileage- 151.51; William Binkard, postage/supplies- 203.89; Dak. Co. Sheriff, papers/warrants- 452.98; Dak. Co. Extension, reimburse- 423.17; PMNRD, rent- 833.33; Ameritas, lease payment- 11527.24; Bort Auto Body, deductible- 250.00; Fremont Tire, service/repair- 1570.40; Amy Hueser, interpret- 40.00; Jacks Uniforms, equipment- 557.30; Joes Dept Store, supplies- 46.62; Racom, t1- 707.40; SFCU, repairs/meals- 31.24; Slueth Software, support- 885.50; WatchGuard video, dvds- 114.00; Des Moines Stamp, stamps- 53.85; Iowa Office Supply, contract- 105.22; Marcia Mahon, deposition- 31.20; Verizon, phone- 137.89; City of SSC, lec cost- 30617.96; Aramark, service- 52.88; Bob Barker, supplies- 1078.03; CBM Food Service, meals- 15402.51; Ateam Heating, service- 1165.66; Amsan, supplies- 1132.82; Detention Construction, lock- 127.50; Dept of Correctional Services, safekeepers- 2385.72; Fairmont Fire Systems, system updates- 166.00; Foulk Brothers Plumbing, service- 352.50; Hough Distributing, gloves- 1032.00; JPATS, transport- 1840.70; Mercy Medical Center, medical- 323.25; Midlands Clinic, medical- 1116.00; Midwest Office Automations, copies- 160.48; Moore Medical, medical- 124.06; NCS Pearson, tests- 450.50; NE Nebr Juvenile Serv, boarding- 2493.75; Net Sys Plus, repair- 220.99; Sirchie Fingerprint, pads- 51.65; Trembly Pest Control, service- 35.00; Walmart, prescriptions- 2859.41; Woodbury County Juvenile Det, boarding- 2100.00; CableOne, internet- 174.46; Fibercomm, phone- 1199.70; Lazette Gifford, website- 40.00; MIPS, support- 407.84; Madelyn Thorsland, prior yrs- 10.00; Three Rivers, flex admin fee- 80.00; US Postal Service, postage- 2500.00; POOR RELIEF: Nebr Dept of HHS, admin cost- 23.75;

PUBLIC SAFETY: Jail Bond Fund, sls tax- 21679.94; City of SSC, sls tax- 2956.36;

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

Chair McLarty called for the agenda items "Discussion and clarification of submission and payment of A/P Claims".

Randy Walsh said that they would like to submit twice a month or leave it the way it is right now. He said that they have had problems with cards not being authorized because payment had not be received or maxed out.

Terry Kern said that he would like them paid every two weeks otherwise to leave it the way it is now.

Chair McLarty asked each Board Member what they thought would be done when the trial period was adopted.

Commissioner Rohde said his thought was that the claims and payroll would be paid twice a month.

Commissioner Gomez said he took it the same way.

Commissioner McNear said that he seconded with that intention.

Chair McLarty said that for this trial period we are going to pay claims, both payroll and Accounts Payable at each meeting.

The County Clerk said that he will honor the trial period, but no guarantees after that.

The County Clerk asked for the two offices represented saying that they would like to pay every two weeks to submit a report of what vendors have assessed late fees in the last year.

Chair McLarty called for the agenda item to remove the "Loess Hills RC&D Membership Claim from the table."

Commissioner Rohde moved, seconded by Commissioner Gomez to remove the Nebraska Loess Hills RC&D Membership Claim from the table.

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

Commissioner Rohde moved, seconded by Commissioner Gomez to deny the Nebraska Loess Hills RC&D Membership Claim in the amount of \$300.00.

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

Chair McLarty called for the agenda item "Commissioner's Committee Reports."

Commissioner McLarty handed out an update with where the offices were with the expended percentage of what has been spent to date versus what was budgeted. He also handed out an updated Legislative Report and asked the member to pare that down. He mentioned several bills that have been killed and where others are.

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

Chair McLarty called for the agenda item "Jared Junge – President FRATERNAL ORDER OF POLICE DAKOTA COUNTY LODGE #49 Discussion on follow up to form Merit Commission for the Jailers."

Mr. Junge said that the Board of Corrections had covered it, but in the contract they Board agreed to the Jailors forming their own contract under the Sheriff's FOP 49. He wondered where the county Board stood as far as appointing members to the Merit Commission for the Jailers.

Commissioner Rohde moved, seconded by Commissioner Gomez to appoint the same member to the Jail Employees Merit Commission and is on the Sheriff's Deputies Merit Commission except that Terry Kerns be the member of the Jailer Commission instead of Sheriff Wagner and that a Jailer be appointed in the place of Jeremy Bermel.

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

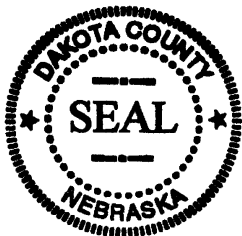
The Board departed the Commissioners Meeting Room at 6:10 p.m. to take a tour of the jail.

The Board toured the new jail and did not tour the old jail.

Commissioner Rohde departed the meeting upon the board leaving the Commissioner's Meeting Room; therefore Commissioners McLarty, McNear and Gomez were the members that participated on the jail tour.

Commissioner Gomez moved, seconded by Commissioner McNear to adjourn at 6:25 p.m.

ROLL CALL VOTE: McNear- yea, Gomez- absent, McLarty- yea, Bousquet- Absent, Rohde- yea. UNANIMOUS MOTION CARRIED at 6:25 pm.



Dakota 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, February 22, 2010, 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, Gomez, Rohde, McNear and Ted Piepho Secretary. Joan Spencer, Administrative Assistant to the Board was also present. Kim Watson, County Attorney arriving at 4:08 was 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 east wall near the entrance of the County Board of Commissioners Room and is available for review by all citizens in attendance.

Roll Call

Chad Kerht – Highway Supt. One and Six Year Road Hearing – Advertised to open at 4:02 p.m.

Chad Kerht – Explain the One and Six Year Plan

Comments from the Public

Close Hearing

Approve the One and Six Year Road Plan as presented or the Board may amend the Plan to accommodate changes recommended by the public.

Recess to Board of Equalization – Reconvene from Board of Equalization

Juli Smith- Norm Waitt Sr. YMCA

To present the details of the Norm Waitt Sr. YMCA Corporate Wellness Partnership program.

Approve Wellness Partnership Program

Matthew Dice with Claritus Postage machines.

Claritus is recommending 2 different lease options to replace the current postage machine.

Sign the new lease contract for either Option 1, or Option 2

Miscellaneous Agenda Items

Discussion regarding drafting a resolution asking elected officials to hire their Deputies/Chief Deputies from Dakota County residents only.

• Approval to draft or not draft said resolution.

Resignation of Gene Cantrell Planning and Zoning Member

Zoning Boundary Agreement with South Sioux City.

Approve Payroll

Approve Accounts Payable Claims

Resolution for Lease Purchase for 4 Pickups through NACO Lease Purchase Program and for the chair to sign all documents required for the purchase of and the Lease Purchase of said vehicles.

Approve Officials Reports

Board to give Joan and myself direction on sales people appearing before the board

Climate conditions in the District Court Room.

Tabled Items:

Kim Jorgensen – Take from Table the Employee Assistance Program Services as presented last meeting

• Approve Employee Assistance Program and/or sign documents

Matt Robins, Mercy Medial Center – Take from Table the Workforce Health Initiative

• Approve the Workforce Health Initiative policy and/or sign documents

Zoning Boundary Agreement with South Sioux City.

Approve Payroll

Approve Accounts Payable Claims

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Recess to March 1<sup>st</sup> at the Knight of Columbus Hall for the City, School, County Joint Meeting

See attachment for agenda for City, County, School Joint Meeting

Adjournment

Chair McLarty called for the agenda item "Juli Smith- Norm Waitt Sr. YMCA."

Juli Smith, Member Services Director with the YMCA, Addressed the Board and explained the benefits to the employer and employee. If the County participated with ten (10) members, they would waive the joining fees and discount the monthly rates.

There was discussion on the rates and a wellness program.

The board wanted to do a survey, and think about this as well as asked the clerk to put it on the next agenda.

Chair McLarty called for the agenda item "Chad Kerht – Highway Supt. One and Six Year Road Hearing, which was advertised to open at 4:02 p.m. The delay in opening the public hearing was because the Highway Supt. was delayed by a train. Therefore, Chair McLarty opened the Public Hearing at 4:15 p.m.

Chad Kerht informed the Board that they finished Elma Road Project and that there are eight (8) projects proposed for the one (1) year plan for 2010-2011.

After briefly explaining the projects on the one (1) year plan, Mr. Kerht opened it up for questions. Commissioner Rohde asked about opening the Kenny Baker Bridge to a three (3) to five (5) ton capacity.

Mr. Kellogg said that Tyson Construction had bid about \$50,000 to repair the bridge, but that they could not guarantee a tonnage rating after making the repairs.

Commissioner McNear asked about the bridge on Inwood Avenue.

Mr. Kellogg said that they would most likely replace that bridge with a tube, but there is a lot that needs to be done for that project before it would be ready to proceed. A Hydraulics study was required for this project to see what was needed for proper drainage.

Commissioner Bousquet asked if NRD could help with any of it and Mr. Kellogg thought maybe with Hydraulics, but they would still need an Engineer to come in and do that.

Chair McLarty asked if there was anyone in the audience that would like to speak in favor of the One and Six Year Road Plan and there was no one.

Chair McLarty asked if there was anyone in the audience that would like to speak in opposition to the One and Six Year Road Plan and there was no one.

Chair McLarty asked if there was anyone in the audience that would like to speak in a neutral position of the One and Six Year Road Plan.

Dennis Reinert stepped up to the podium and asked why the County only planned doing one mile of G Avenue when the first two and one-half miles needs to be reconstructed.

Mr. Kellogg said it comes down to funding and that more areas in the county need attention and they would not have time to do more than one mile.

Dave Rasmussen asked whether the County would replace the bridge on Inwood Avenue with another Bridge. Mr. Kellogg said that it would most likely be replaced with a large tube, culverts is the way they would like to go.

Scott Munson asked about the black top being extended one mile on Fiddler Creek Road. Mr. Kerht said that the County would try and get stimulus money for that. Scott Munson asked about the priority of Fiddler Creek. Mr. Kellogg said that it depends on the funding for the project.

Chair McLarty closed the Public Hearing at 4:28 p.m.

Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the One and Six Year Road Plan as presented and to adopt Resolution 10C-003 as follows:

Resolution 10C-003

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.

ATTEST:

\s\ Theodore A. Piepho  
County Clerk

BOARD OF COMMISSIONERS  
FOR DAKOTA COUNTY, NEBRASKA

\S\ William I. McLarty  
Chairman

Passed and approved this 22nd day of FEBRUARY 2010.

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

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

Chair McLarty called for the agenda item "Resignation of Gene Cantrell Planning and Zoning Member."

Commissioner Bousquet moved, seconded by Commissioner McNear to accept the resignation of Gene Cantrell on the Planning and Zoning Board.

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

Chair McLarty recessed their meeting at 4:30 p.m. to meet as Board of Equalization.

Chair McLarty reconvened their meeting at 4:41 p.m. from Board of Equalization.

Chair McLarty called for the agenda item "Matthew Dice with Claritus Postage machines.

Claritus is recommending 2 different lease options to replace the current postage machine.

Sign the new lease contract for either Option 1, or Option 2

Matthew Dice offered the County two options. Option 1 was new equipment on lease for \$227.00 a month and that was a little less then what we are paying now for our postal equipment.

Option 2 was an in-line weighing option, but that was a little more or \$333 a month.

Commissioner Bousquet asked about what it would cost to purchase the machine. Mr. Dice said he would put together a purchase option.

Joan Spencer said she had only looked at the lease option, as that would cost less then what the County is spending now.

Mr. Dice said that the County could start out with option 1 and that he would honor option 2 for the

County if the County would commit to that machine within six months.

Commissioner Rohde moved, seconded by Commissioner Bousquet to sign the lease agreement for Option 1 and to authorize the chair to sign same.

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

Chair McLarty called for the agenda item "Discussion regarding drafting a resolution asking elected officials to hire their Deputies/Chief Deputies from Dakota County residents only.

- Approval to draft or not draft said resolution.

The board briefly discussed asking the elected officials to hire Chief Deputies that resided in Dakota County.

Commissioner Bousquet explained that he wanted this put on the agenda because this election year may result in some new officials and felt it was a good gesture to the taxpayers that the board recommend to County officials that they hire within the county, or those hired become residents of the county.

Commissioner Rohde asked if this policy would affect any deputies currently. It was determined that this was the case. Chair McLarty pointed out that an attorney with NACO stated that there is no state statute that requires deputies to reside in the county.

Chair McLarty then reached out to the audience and asked them if anybody wanted to address the issue.

Emmett Albenesius stepped up to the podium and thought people that work in the county should reside in the county.

Neil Krumwiede stepped up to the podium and thought that people working for the county should reside in the county.

Debra Fergen Schmiedt stepped up to the podium and read a prepared document opposing said requirement and giving reasons why.

Rick Bousquet explained his position on the reason why he had it put on the agenda.

Commissioner Gomez said that this is something that they should look at seriously, but to leave it as is at the present time.

Chair McLarty called for the agenda item "Zoning Boundary Agreement with South Sioux City.

A short discussion was had agreeing to the boundaries as recommended by the Planning and Zoning Board, who adopted the recommendations of South Sioux City.

Randy Walsh, deputy Sheriff, explained where he thought the present boundary line lies.

Commissioner Bousquet moved, seconded by Commission McNear to accept the Planning and Zoning's recommendation and adopt the Planning and Zoning Boundaries between So. Sioux City and the County.

The board asked Kim Watson, County Attorney, if she had any problem with adopting said boundaries.

Ms. Watson gave an opinion that they could not as it exceeded two miles.

Commissioner McNear withdrew his second and Commissioner Bousquet withdrew his motion.

Chair McLarty called for the agenda item "Approve Payroll."

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Payroll Claims as submitted by the County and according to the Employee Manuals, as follows:

COUNTY GENERAL FUND: Gross salaries- \$129,802.36, General Fund Employees Net Pay- \$92,273.96, Employer deductions paid: Retirement- 9,059.75, FICA- 7,884.62, Medicare- 1,844.01, DC Health Plan- 28,500.00, DC Dental Plan- 1,031.70 and Life Insurance- 202.53.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 982.52, Tracey Corkin- 954.40, Margaret Rahn- 627.21, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1098.83, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1525.23, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 993.23, Jeremy Bermel- 1939.65, Anthony Bos- 2215.19, Sandy Dickens- 463.70, Brian Ellinger- 2004.88, Penny Epting- 1971.03, Michael Estes- 1315.56, Brent Gilster- 1936.01, Todd Hammer- 1690.85, Richard Hansen- 1713.32, Melvin Harrison III- 2151.15, Rodney Herron- 1830.92, Jason James- 1878.21, Kimberly Johnson- 238.05, Jared Junge- 1952.34, Michael Kreegar- 1700.85, Gayle Richards- 871.20, Kevin Rohde- 1993.45, James Wagner- 1634.45, Randall Walsh- 1884.63, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1254.68, Ermelinda Ballesteros- 1609.74, Joshua Blatchford- 1310.76, Dusty Boyd- 1429.82, Rebecca Broer- 1459.64, Sandy Dickens- 825.99, Lisa Ford- 1410.70, Robert Foster- 1383.42, Linda Frost- 612.00, John Gilles- 1453.98, Alma Gunderson- 1498.86, Amber Hamman- 1188.00, Cathy Harsma- 1489.40, Deanna Haukap- 1284.44, Jackie Heaton- 1918.56, Jeffrey Heitzman- 1383.42, Adam Hough- 1407.12, Matthew James- 1383.42, Brett Johnson- 1422.25, Nicholas Kellen- 1302.84, Brenda Kelly- 1334.98, Terry Kern- 1923.08, Keith Klein- 1467.49, Mark Nelson- 1365.38, Travis Olander- 1284.44, Kimberly Peterson- 1368.80, Doyle Pilgrim- 979.20, Daniel Rodasky- 1410.84, Jutharatana Ruenprom- 1219.34, Stephanie Ryan- 1489.40, Linda Schovanec- 1299.20, Francis Tope- 1393.84, Charvette Williams- 1404.80, Jewel Williams- 1410.84, Matthew Wise- 1387.07, Cara Wood- 1489.40, Jolene Gubbels- 1018.41, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 780.83, Shirley Voss- 1231.88, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,443.61, State- 4,522.87, FICA- 7,884.62, Medicare- 1,844.01, Retirement- 6,139.22, Health Plan- 450.00, DC Dental Plan- 546.00, Colonial Health- 32.40, Sheriff Union Dues- 395.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 653.48, Aflac Life/Dsbl- 234.90 and Flex Plan- 949.03.

COUNTY ROAD PAYROLL: Gross salaries- \$18,789.18, Road Employees Net Pay- \$13,052.91, Employer deductions paid: Retirement- 1,268.26, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 1,141.59, and Medicare- 267.00.

Brent Byroad- 1908.32, Robert Hacker- 1830.46, Ronald Harder- 1524.80, Hans Houfek- 1730.67, Robert Jacobsen- 1546.42, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1655.45, Willie Peters II- 1850.32, Leon Pies- 820.00, Kip Reinbold- 1706.74, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,744.39, State- 689.53, FICA- 1,141.59, Medicare- 267.00, Retirement- 845.51, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 425.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

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

Chair McLarty called for the agenda item "Approve Accounts Payable Claims."

It was noted that the claims included a request from the Veteran's Service Officer asking for a loan of \$400 from the Inheritance Tax Fund to the Soldiers and Sailors relief Fund. This was necessary to cover the expenses of the Soldiers and Sailor's Fund.

Commissioner Bousquet brought up the issue of purchasing a van for the Veteran's Service Officer to reduce mileage paid to him for mileage on his vehicle.

It was noted that those expenses came from his office budget which is a different fund.

Commissioner Gomez moved, seconded by Commissioner McNear to authorize a loan of \$400 to the Veteran's Aid Fund and to authorize a transfer of \$400 from the Inheritance Fund to the Veteran's Aid Fund.

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 approve the Accounts Payable Claims submitted by the County Clerk as follows:

GENERAL FUND: Northeast NACO, workshop- 60.00; Perkins, flags- 11.98; Dakota County Star, publishing- 49.38; Perkins, supplies- 57.95; Automated Systems, supplies- 1380.00; AS Central, data storage- 15.00; Dakota County Star, publishing- 70.97; Des Moines Stamp, supplies- 307.25; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, lunch- 20.51; Robert Giese, mileage- 227.00; Ruth Jensen, prior yrs- 12.00; Net Sys Plus, repair- 35.98; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 499.63; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 240.00; Perkins, supplies- 101.22; Daniel Christoffers, food/mileage- 30.11; Dakota City Postmaster, stamps- 61.60; Dakota County Star, publishing- 277.88; Theodore Piepho, meals/mileage/lodging/hosting/cell- 513.18; Todds Storeall, storage- 80.00; Dakota County Star, publishing- 19.29; Holiday Inn, lodging- 99.00; Arnie Mellick, phone- 30.00; Northeast Naco, workshop- 20.00; Executive Tech, contract- 561.09; Lupe Kennedy, supplies- 35.26; Office Systems, repair- 80.00; Perkins, supplies- 291.00; AJ Phillips, sheets- 125.00; AS Central Services, supplies- 235.67; Dakota Business Systems, lease- 99.00; Des Moines Stamp, stamps- 402.00; Iowa Office Supply, supplies- 89.37; Paula Jensen, reimburse- 18.98; Microfilm Imaging, scanning- 100.50; Midwest Office Solutions, contract- 331.77; Star Printing, envelopes- 340.00; William Binkard, supplies- 85.11; Raul Escobedo, interpret- 112.50; Shelly Hodges, interpret- 300.00; M&M Court Reporting, deposition- 110.80; Perkins, supplies- 52.93; Abdullahi Salad, interpret- 50.00; Thomson West, service- 557.93; Dakota County Court, costs- 1364.30; Hurley Law Office, court appointed counsel- 588.00; Kueny & Begley, court appointed counsel- 132.00; Douglas Roehrich, court appointed counsel- 804.00; Richard Thramer, court appointed counsel- 277.76; Patrick Tott, court appointed counsel- 390.00; 7<sup>th</sup> Judicial District, mental health board- 261.29; AJ Phillips, service- 130.00; Valerie Danielson, copies- 129.88; District Court, claims- 711.00; HyVee, supplies- 147.00; Lancaster Sheriff, service- 47.97; Mips, scanning- 85.00; Stuart Mills, court appointed counsel- 337.50; Nebraska Supreme Court, filing fee- 173.00; Norfolk Printing, dockets- 106.37; Michael Schmiedt, court appointed counsel- 318.00; Stratton Law, court appointed counsel- 2893.42; Patrick Tott, court appointed counsel- 307.50; Ateam Heating & Cooling, repair- 85.00; Cummins Central Power, supplies- 278.70; Bomgaars, repair/supplies- 277.37; Bunkers Feed, salt- 49.88; Circle S South, supplies- 211.00; Gill Hauling, service- 120.00; Joes Dept Store, repair/supplies- 186.33; Menards, supplies- 466.24; Lewis Electric, supplies- 497.69; Net Sys Plus, repair- 100.00; MidAmerican Energy, utilities- 1169.00; Nebr Public Power District, utilities- 1427.68; Richard Jensen, mileage- 102.60; Sams Club, membership- 35.00; Share Corporation, supplies- 1082.96; Siouxland Lock & Key, lock- 45.00; Trembly Pest Control, service- 50.00; Verizon, phone- 178.19; City of South Sioux City, fuel- 4455.73; Crystal Oil, headlight- 12.29; Custom Cage, partitions- 1905.00; Dakota County Sheriff, headlight/supplies- 39.02; Dakota Food & Fuel, fuel- 682.87; Jacks Uniforms, supplies- 439.90; Joes Dept Store, key- 1.19; K&S Auto Service, blades- 18.24; Verizon, phone- 268.48; Walmart, food- 21.98; Dakota County Treasurer, witness fees- 616.00; Dept of Motor Vehicles, records- 3.00; Douglas County Sheriff, witness fees- 27.00; H2O4U, service- 17.00; New Perspectives, shredding- 57.00; BI Inc, electric monitoring- 1256.18; Electronic Engineering, pager- 89.50; Verizon, phone- 55.20; Ateam Heating & Cooling, service/repair- 581.50; Ameritech, repairs- 295.00; Aramark, service- 26.44; BI inc, electronic monitoring- 695.20; CBM Food Service, service- 10299.69; Dakota Business Systems, contract- 281.00; Dakota Family Dentistry, medical- 76.00; Dakota Food & Fuel, fuel- 99.36; Dept of Correctional Services, safekeepers- 2739.16; Sandy Dickens, mileage- 122.00; Gill Hauling, service- 120.00; Amber Hamman, mileage- 9.70; Jackie Heaton, mileage/food- 152.48; Joes Dept Store, supplies- 59.78; Kleen Solutions, food- 96.90; Mercy Business Health, medical- 1875.00; Mercy Medical Center, medical- 1490.70; Midamerican Energy, utilities- 2350.91; Moore Medical, medical- 524.35; Jerry Moreno, interpret- 25.00; Nebr Public Power Dist, utilities- 1722.78; Net Sys Plus, repair- 447.99; SFCU, meals- 14.96; Trembly Pest Control, service- 35.00; Verizon, phone- 196.81; Walmart, prescriptions- 1085.29; Woodbury County Juvenile Det, boarding- 200.00; Dakota Business Systems, copier- 102.00; Jolene Gubbels, mileage- 20.00; Midwest Office Automations, supplies- 246.07; Staples, supplies- 53.95; Verizon, phone- 33.41; Maureen Biggar, mileage- 20.50; Pam Devries, mileage- 108.75; Pat Glover,

clinics- 60.00; Kids Love Stickers, stickers- 109.05; Sanofi Pasteur, tests- 30.08; Dr Thomas Wentz, physician- 250.00; Deanna Beckman, hours- 1170.00; Daniel Christoffers, data- 308.30; Pam Devries, mileage- 5.00; Pat Glover, clinic- 40.00; Midwest Office Automations, contract- 1783.57; Perkins, supplies- 162.63; Alan Boyd, mileage- 485.50; Electronic Engineering, pager- 13.95; Perkins, supplies- 33.90; FSH Communications, payphone- 63.60; Hasler Inc, postage- 249.00; Road Fund, budget transfer- 200000.00; Weed Fund, budget transfer- 3000.00;

ROAD FUND: Aramark, service- 364.14; AZ Inc, fuel- 168.03; Bank of Dixon, grader payment- 16386.41; Bs Enterprises, blades- 5333.00; Bomgaars, supplies- 792.64; City of South Sioux City, salt- 1851.35; First State Bank, grader payment- 15559.03; Frame Aligners Inc, parts/labor/snow removal- 50908.03; GCR Tire Center, tires- 756.85; Gill Hauling, service- 55.00; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 1839.47; Hydraulic Sales, parts- 85.27; H2O4U, water- 29.00; Sioux City Iron, chains- 14.37; Inland Truck Parts, parts- 149.76; J&J Pronto, fuel- 278.13; Joes Dept Store, parts/supplies- 533.87; Kimball Midwest, supplies- 416.13; Kinetic, loader- 2458.00; LG Everist, rock- 1337.25; Linweld, oxy- 378.24; Lux Bros, snow removal- 69250.00; Midwest Service & Sales, chains/blades- 6062.80; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts/supplies- 345.79; NAPA, parts/supplies- 1450.86; Nebr Public Power Dist, utilities- 78.43; NE Nebr Public Power Dist, utilities- 289.93; Northeast Nebr Public Telephone, phone- 179.66; Peterson Sand & Gravel, snow removal- 10660.00; Poms, tires- 1954.50; Powerplan, parts- 3184.32; RC Customs, parts/labor- 551.04; Sams Club, supplies- 117.15; Sapp Bros Petro, propane- 1403.81; Siouxland Hydraulics, parts- 218.12; Stephan Welding, supplies- 42.50; Titan Access, supplies- 139.11; Todd Masters, snow removal- 925.00; Verizon, phone- 47.95; Warren Oil, fuel- 15666.41; Zieglers, parts/supplies- 4023.11;

VETERANS AID: Veterans Service Office, relief- 1000.00;

INHERITANCE TAX: Veterans Aid Fund, loan- 400.00;

VISITORS PROMOTION: South Sioux City Chamber, lodging tax- 5937.08;

WEED FUND: HartelCo, computer- 1345.33; Heritage Express, fuel- 66.00; Hubbard Minimart, fuel- 343.00; J&J Pronto, fuel- 100.06; NE Nebr Assoc of County Officials, workshop- 20.00; Leon Pies, meals/mileage- 383.60; Sioux City Ford, repair- 327.58.

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 for Lease Purchase for 4 Pickups through NACO Lease Purchase Program and for the chair to sign all documents required for the purchase of the Lease Purchase of said vehicles.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the NACO Lease Purchase Resolution 10C-003 and to authorize the chair to sign all the documents.

**THE COUNTY OF DAKOTA, NEBRASKA**

**RESOLUTION NO. 10C-003**

**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, Nebraska (the "**County**"), that this Board hereby approves and authorizes the acquisition of four vehicles by the County 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: \$107,143.00
2. Interest Rate: 1.65%
3. Payment Amount: \$18,373.82
4. Term: March 4, 2010 through March 1, 2013
5. Payment Frequency: semiannual, beginning September 1, 2010

Settlement and closing of the Lease-Purchase Agreement shall be on or about March 4, 2010. 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:** February 22, 2010, at Dakota City, Dakota County, Nebraska.

**BY THE BOARD OF COMMISSIONERS OF  
THE COUNTY OF DAKOTA, NEBRASKA**

\\s\ Rick Bousquet  
\\s\ William B Rohde  
\\s\ Richard McNear

\s\ Antonio A. 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 "Approve Officials Reports."  
 Commissioner Rohde moved, seconded by Gomez 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 January, 2010  
 ROLL CALL VOTE: McLarty- Yea, Bousquet- Yea, Rohde-Yea, McNear- Yea and Gomez- Yea.  
 UNANIMOUS MOTION CARRIED.

Chair McLarty brought up the agenda item regarding sales-people appearing before the board.  
 County Clerk, Theodore Piepho, expressed concern that a number of individuals may want to appear before the board to sell various things and wanted direction from the board regarding how to handle them.  
 It was the board's general opinion that Ted Piepho and Joan Spencer could screen those people before opening it up for them to come before the board.

Chair McLarty called for the agenda item "Climate conditions in the District Court Room. The County Clerk said that this issue was resolved for the time being as the Clerk of the District Court had informed him of that.  
 The Board continued to discuss this. It led into discussion that Joan should have a key to all offices and that they would be under lock and key. Apparently Rick was gone one day that they needed him to make an adjustment on the computer that regulates the heating and cooling of the courthouse.  
 Commissioner Bousquet believed that someone else needed to have keys for the other offices in cases of emergency.  
 The County Clerk opposed that because the Building and Grounds already has a key to every lock in the courthouse.  
 The Board was not able to take action on that issue because it was not on the agenda.

Chair McLarty called for the agenda item "Kim Jorgensen – Take from Table the Employee Assistance Program Services as presented last meeting

- Approve Employee Assistance Program and/or sign documents

Kim Jorgensen with Mercy EAP stepped up to the podium and briefly explained that she was before the Board last meeting. She reminded the board what the basic program did and was before them today to see if they would enter into the Employee Assistance Program as follows:

**AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES To Dakota County**

This agreement, effective the first day of March 2010, is entered into by and between Mercy Medical Services- Sioux City, 801 Fifth Street, Sioux City, Iowa 51101, a division of Mercy Health Services- Iowa Corp., a Delaware non-stock corporation, d/b/a Mercy Business Health Services ("MBHS"), and Dakota County hereinafter referred to as ("COMPANY").

WHEREAS, MBHS through its Employee Assistance Program is willing to provide professional employee assistance program (EAP) services to COMPANY employees as part of the COMPANY'S employee assistance program.

WHEREAS, the COMPANY desires to retain MBHS services to establish an employee assistance program, in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants contained herein as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed:

1. Program Design. MBHS shall organize and design an EAP, the purpose of which will be to assist the COMPANY employees and their family members to identify and evaluate problems, and to locate resources to help cope with or alleviate those problems.
2. Program Services. During the term of this agreement, MBHS shall provide the services identified in Appendix A, attached hereto and incorporated herein by reference.
3. Payment for Services. For the EAP services provided to one hundred and seven (107) COMPANY employees under this Agreement, the COMPANY will pay MBHS the fees set forth in Appendix A. MBHS shall provide the COMPANY with a written invoice for its fees, and such fees shall be paid by the COMPANY within thirty (30) days following the receipt of said invoice from MBHS.
4. Term. This Agreement shall commence on March 1<sup>st</sup>, 2010 and shall continue for a term of one year and for any additional one-year period to which the parties may subsequently agree and set forth in a written addendum to this Agreement, unless terminated as provided herein.
5. Termination. This Agreement may sooner terminate as follows:
  - A. By either party upon thirty (30) days prior written notice to the other party.
  - B. In the event that either party shall give notice to the other that such other party has substantially defaulted in the performance of any obligation under the Agreement and such default shall not have been cured within seven (7) days following the giving of such notice, the party giving such notice shall have the right to terminate this Agreement at the expiration of such seven (7) day period.
  - C. In the event of any judicial, legislative, regulatory or administrative change or determination, whether federal or state, which has or would have significant adverse impact on either party hereto in connection with the performance of this Agreement, or in the event that performance by either party of any term, covenant, condition or provision of this Agreement should for any reason be in violation of any statute, regulation, or otherwise be deemed illegal or subject either party to sanctions under the Internal Revenue Code or sanctions or penalties under any other state or federal law, this Agreement shall terminate immediately. Provided, however, no compensation shall be paid by either party which would

be prohibited under any federal or state laws.

6. Post Termination Obligations/Effect of Termination. Upon termination of this Agreement for any reason, MBHS shall cooperate with the COMPANY in the orderly transfer of services hereunder.

Notwithstanding the termination of this Agreement, any liability or obligation of either party that may have accrued prior to such termination shall continue in full force and effect.

In the event MBHS, with the consent of the COMPANY, renders Program Services after the expiration date hereof for any reason, it shall do so on a month-to-month basis (with either party having the right to terminate the Agreement at the end of any month, upon fifteen (15) days prior written notice), and all of the other terms and conditions of this Agreement shall remain in full force and effect, including but not limited to the COMPANY obligation to pay MBHS the fees set forth in Appendix A, said fees being prorated on a month-to-month basis and due within thirty (30) days following the receipt of an invoice from MBHS.

7. Records/Ownership and Confidentiality.

A. All employee EAP records shall be the property of MBHS and shall be maintained in accordance with its policy on confidentiality of patient records, subject to all state and federal laws pertaining thereto. The COMPANY shall abide by this policy and will not request divulgence of any confidential information regarding any employee without first obtaining the employee's written consent.

B. MBHS shall keep all information regarding services provided under this Agreement strictly confidential, and shall not disclose such information to anyone without the individual's express written approval, except as provided in this Agreement or as required by law. MBHS shall obtain appropriate written approval and authorization to provide complete information, including mental health, substance abuse and HIV/AIDS information from all individuals served pursuant to this Agreement to the COMPANY and any third party payors who may require such information.

C. The parties hereto agree to hold in strictest confidence and refrain from disclosing any and all secret and confidential information, knowledge or data in connection with this Agreement which information is not generally known to the public. However, this does not prevent disclosure to such parties' attorneys or consultants providing services in connection with this Agreement.

8. Independent Contractor. In the performance of the services to be rendered pursuant to this Agreement, it is mutually understood and agreed that MBHS shall be at all times acting and performing as an independent contractor. Nothing in this Agreement is intended to create an employer/employee relationship or a joint venture relationship between the parties or between individuals providing services on behalf of MBHS and the COMPANY.

The parties agree that the individuals providing services on behalf of MBHS are not employees of the COMPANY, and accordingly, are not eligible for any compensation, fringe benefits, pension, Workers' Compensation, sickness or health insurance benefits or other similar benefits accorded employees of the COMPANY. Individuals providing services on behalf of MBHS shall look solely to MBHS for the above. The parties agree that the COMPANY will not participate in the hiring, firing, supervision or discipline of individuals providing services on behalf of MBHS. Those individuals shall not be required to comply with the policies, procedures, work rules and handbooks of the COMPANY adopted for its employees, as set forth in personnel policies and procedures and employee handbooks.

Nothing in this Agreement is intended to allow the COMPANY to exercise control or direction over the manner or method by which MBHS and the individuals providing services on behalf of MBHS perform the services, which are the subject matter of this Agreement. The COMPANY is not required to provide any instruction or training to MBHS or individuals providing services on behalf of MBHS. MBHS reserves to itself the right to designate the hours, duties and work assignments, sequence of performance and work locations of individuals who are performing services pursuant to this Agreement. MBHS has the right to substitute individuals on a temporary basis to provide the services required pursuant to this Agreement. The COMPANY shall have no right of approval over the selection of such substitute individuals so long as they possess the qualifications required under this Agreement. MBHS shall, however, be strictly accountable to the COMPANY to ensure that its work and functions shall at all times be performed in accordance with currently approved and generally accepted professional standards and the terms of this Agreement. In this regard, the sole interest of the COMPANY is to assure that all services shall be performed in a competent, efficient, and satisfactory manner and in accordance with the terms of this Agreement.

The COMPANY shall not be responsible for any business or commuting expenses incurred by MBHS or individuals providing services on behalf of MBHS.

The parties understand and acknowledge that MBHS provides or may provide services to MBHS's own patients and other entities. The COMPANY shall not interfere with or control any aspect of MBHS's private business, including but not limited to MBHS's governance, management, operations, relationships with other entities, and/or other internal affairs.

MBHS and individuals provided by MBHS shall not be identified as employees of the COMPANY through the use of identification badges, Stationary or by any other means. Individuals provided by MBHS shall be identified to patients and the community as employees of MBHS.

9. Insurance. During the term of this Agreement, MBHS shall maintain in full force and effect policies of comprehensive general liability insurance and professional liability insurance, insuring itself and its employees and agents in connection with all services provided pursuant to this Agreement, in the sum of not less than one million dollars (\$1,000,000) per occurrence and one million dollars (\$3,000,000) annual aggregate, and shall provide the COMPANY proof of insurance upon request. If MBHS's insurance changes, MBHS shall notify the COMPANY no less than 10 days prior to cancellation, reduction or non-renewal of such coverage.

10. Indemnification. MBHS shall indemnify, hold harmless, and defend the COMPANY and its officers, trustees, members, agents, and employees from and against any and all claims, costs, actions, causes of action, losses or expenses (including reasonable attorney's fees) resulting from or caused by the actions or omissions of MBHS, or any defect in equipment or supplies which MBHS may furnish pursuant to this Agreement.

The COMPANY shall indemnify, hold harmless, and defend MBHS and its officers, trustees, members, agents, and employees from and against any and all claims, costs, actions, causes of action,

losses or expenses (including reasonable attorney’s fees) resulting from or caused by the actions or omissions of the COMPANY arising out of this Agreement, or any defect in any equipment or supplies which the COMPANY may furnish pursuant to this Agreement.

11. Governing Law. This agreement shall be construed in accordance with the laws of the state of Iowa without regard to its rules regarding choice of law.

12. Assignment. Except for assignments from Mercy Health Services- Iowa Corp. to an affiliated entity, this Agreement may not be assigned without the prior written consent of both parties.

13. Entire Agreement and Modification to Agreement. This Agreement and its attachments constitute the entire agreement of the parties. Further, this Agreement supersedes all prior negotiations, oral understandings, resolutions and statements of intent. This Agreement cannot be changed, modified, altered, terminated or discharged in any manner except by an instrument in writing, signed on or subsequent to the date hereof, by the party or parties against whom enforcement of the change, modification, alteration, termination or discharge is sought, including without limitation the provisions of this Section.

14. Notice. Any notice required to be given pursuant to the provisions of this Agreement shall be in writing and shall be sent by certified mail to the parties at their respective business addresses indicated herein:

If to MBHS:

Brian Monsma, Executive Director  
Mercy Medical Services  
801 5<sup>th</sup> Street  
Sioux City, IA 51101

If to Dakota County:

Joan Spencer  
Dakota County  
P.O. Box 338  
1601 Broadway Street  
Dakota City, NE 68731

15. Invalidity. The parties hereto have negotiated and prepared the terms of this Agreement in good faith with the intent that each and every one of the terms, covenants and conditions herein be binding upon and inure to the benefit of the respective parties. Accordingly, if one or more of the terms, provisions, promises, covenants or conditions of this Agreement or the application thereof to any person or circumstance shall be adjudged to any extent invalid, unenforceable, void or void able for any reason whatsoever by a court of competent jurisdiction, such provision shall be narrowly construed as possible, and each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement or their application to other persons or circumstances shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law. To the extent this Agreement is in violation of applicable law, then the parties agree to negotiate in good faith to amend the Agreement, to the extent possible consistent with its purposes, to conform to law.

16. Captions. All paragraph captions are solely for the convenience of the parties, are not otherwise part of this Agreement and shall not be used for the interpretation nor determination of its validity or any part thereof.

17. Limited Enforcement. This Agreement is intended solely for the benefit of the parties hereto, and there is no intention, express or otherwise, to create rights or interest for any patients, parent, guardian or personal representative of any patient or any party or persons other than the COMPANY and MBC.

18. Waiver of Breach. The waiver by any party hereto of a breach of any provisions of this Agreement shall not operate as, or be construed as, a waiver of any subsequent or other breach of the same or other provisions of this Agreement by the other party.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

“MBHS”

“COMPANY”

By: \_\_\_\_\_  
Brian Monsma  
Executive Director  
Mercy Medical Services  
Sioux City, Iowa

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**APPENDIX A**

Mercy Business Health Services is pleased to offer our Employee Assistance Program services to Dakota County on an employee per year basis.

MBHS’s fee is \$27.00 per employee per year and includes all of the services described below:

- A. Up to six (6) EAP, face-to-face assessments and referral visits for one hundred and seven (107) COMPANY employees, board members, and any immediate family members and up to twenty (20) additional sessions at \$75 per session per client per year;
- B. Two (2) employee orientation sessions per year (we will schedule sessions and \_\_\_\_\_ time in coordination with the COMPANY);
- C. Two (2) supervisory training sessions per year (we will schedule sessions and \_\_\_\_\_ time in coordination with the COMPANY);



- D. Two (2) Drug Free Workplace Supervisory Training Sessions per year (we will schedule sessions and time in coordination with "Company");
- E. Four (4) one hour seminars and/or brown bag lunches per year (we will schedule sessions and time in coordination with the COMPANY);
- F. Communication materials including wallet cards, brochures, posters, and handout materials for seminars;
- G. Dedicated EAP liaison personnel;
- H. Supervisory consultation/intervention and assistance;
- I. Annual reports by problem, referral type and client Satisfaction;
- J. Monthly supervisor newsletter
- K. Monthly employee newsletter

Commissioner Rohde moved, seconded by Commissioner Bousquet to move forward with signing the EPA Agreement.

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

Chair McLarty called for the agenda item "Matt Robins, Mercy Medial Center – Take from Table the Workforce Health Initiative

- Approve the Workforce Health Initiative policy and/or sign documents
- There was discussion whether to participate in this program or not. It was felt that this would result in preventive care if people utilized this program, but then there were questions whether those that needed to know about a potential health problem would use this program.
- Commissioner Rohde left the room and was absent from 5:45 p.m. to 5:48 p.m.
- Commissioner Gomez moved, seconded by Commissioner Rohde to participate in the Workforce Health Initiative and that it be mandatory for all employees.
- Commissioner McLarty spoke against making it mandatory.
- ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- No and Bousquet- Yea. MOTION CARRIED.

Chair McLarty called for the agenda item Commissioner's Committee Reports

Commissioner Rohde said the road committee, Fred Kellogg, Joan Spencer, Simpco and Chad Kerht met and discussed way of paying for the road projects.

Commissioner Bousquet said Planning and Zoning met, there was talk over boundary lines, flood plain maps, and Gene Cantrell submitting his resignation.

Chair McLarty asked for Public Comment

Betty O'Neill appeared before the board and thanked Commissioner Bousquet for his efforts on some agenda items.

Chair McLarty called for the agenda item Mail and/or Emergency Business

There was none.

Commissioner McNear said he attended a Keep Nebraska Beautiful meeting where a mission statement was developed.

Commissioner Gomez said Cardinal Days was happening on August 5-8<sup>th</sup>.

Char McLarty recessed their meeting at 5:57 p.m. until which time they reconvene March 1<sup>st</sup> at the Knight of Columbus Hall for the City, School, County Joint Meeting.

Chair McLarty reconvene their meeting from Monday, February 22, 2010 at 6:32 p.m.

Present were: Commissioners McLarty, Bousquet, Gomez and Joan Spencer acting Secretary.

Absent were: Commissioners Rohde and McNear.

The agenda for the Joint Meeting was as follows:

6:00 P.M. Social Hour

6:30 P.M. Welcome – James Roberts, Mayor, City of Dakota City

Pledge of Allegiance

Roll Calls

Invocation – Arlen Kuehn, Chamber of Commerce

Dinner by South Sioux City Music Boosters

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 Tom Gesell

Comments by other public entities

Presentation of Volunteer Service Award – Jo Nugent

County Jail & Fiscal Update – Terry Kern & Bill McLarty

Zoning Boundary Agreement – Kent Zimmerman

Joint Storm Water Management – Paul Nolan

City/School Tech Agreement – Lance Martin & Lance Swanson

NECC & Wayne State College Update – Bill Path & Rich Collings

Long Range School Planning – Steve Rector & Tom Gesell

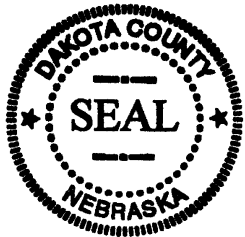
Economic Development – Dan McNamara & Pam Miller

Tri State Graduate Center – Lynn Barteck

Sustaining Safe Schools/Health Students – Cardinal Connections

Adjourn

Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn at 8:34 p.m.  
ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- yea, Bousquet- Yea, Rohde- Absent.  
UNANIMOUS MOTION CARRIED at 8:34 pm.



Dakota 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 8, 2010, 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, Gomez, Rohde, McNear 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 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 February 8th and 22nd, 2010
- Recess

Leon Pies – Weed Superintendent

- Purchase ATV 4 wheeler and trailer
  - Authorize purchase of ATV and trailer

Julie Smith – Norm Waitt Sr. YMCA

- To approve wellness program

Pat Foust – LEC Emergency Manager Director

- Presentation of Guaranteed Maximum Price for expansion project and a request for approval to sign contracts and proceed. The project already has Commission approval and this is the final step.

Miscellaneous Agenda Items

- Authorize to purchase a van for the Veteran’s Service Officer.
- Motion concerning all Official’s and Department Head to provide a key for their office to be kept by the Board.
- P & Z Membership term’s re-appointed
- Board of Adjustments appointments
- Presentation of plaque to Gene Cantrell for his years of service on Planning & Zoning Board.
- Millis Beach Railroad Crossing – Resolution by Board concerning Train blocking entrance to Millis Beach.
- Approve December 14, 2009 payroll claims to be entered on a newly created page 368B and direct County Clerk to label the present page 368 page 368A. Both, which are part of Commissioners Record Book Q.
- Approve Payroll Claims
- Approve Accounts Payable Claims

Tabled Items:

- Commissioner’s Committee Reports
- Commissioner’s Member Reports
- Public Comment
- Mail and/or Emergency Business
- Adjournment

Chair McLarty called for the agenda item to “Approve minutes of February 8th and 22nd, 2010.” Commissioner Bousquet moved, seconded by Commissioner McNear to approve the minutes of February 8, 2010 and February 22, 2010, 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 declared to recess the Board of Commissioners meeting at 4:02 p.m. to call the Board of Corrections Meeting to order.

Chair McLarty reconvened the Board of Commissioners meeting at 4:09 p.m.

Chair McLarty called for the agenda item “Leon Pies – Weed Superintendent to purchase ATV 4 wheeler and trailer.”

Mr. Leon Pies, Weed Supt., stepped up to the podium and presented three informal bids for ATV’s and they were as follows:

**Champion Cycle, Inc.**

2010 Kawasaki KVF360 Prairie with Auto Trans, 2wd/4wd selectable, oil-cooled w/fan.  
MSRP - \$6424, Reg Discount \$425 and Government Discount \$599, Final Cost \$5,400. plus \$200 for 6 ply tires.

2010 Kawasaki KVF650 Brute Force with Auto Trans, 2wd/4wd selectable, liquid-cooled w/fan.  
MSRP - \$8,024, Reg Discount \$625 and Government Discount \$739, Final Cost \$6,660. plus \$200 for 6 ply tires.

Sprayer: 15 Gallon W/43” Boom (10’ Spray Swath)-----\$339.00  
25 Gallon W/43” Boom (10’ Spray Swath)-----\$449.00  
Note: 10’ Boom w/12” Spray Swath add -----\$140.00

Prices good through 3-31-2010

**Midwest Suzuki**

Suzuki LT-A500XPCK with fuel injection and automatic 4 wheel drive	Retail \$7,899.
25 gallon sprayer 43" Boom covers 120" pattern	406.
Retail for everything	8,305.
Sale price including sprayer	7,300.

Honda 500 FE Forman with 6 ply tires	\$6,900
Solid Axle and one year warranty no sprayer	

**Trailer bids:**

Marx Trailer 1 2009 H & H 5'X10' Flatbed	\$1,170.00
Solid Sides, Ramp Gate, Black in color with 15" Rites and wheels	
Menards 5X10 Utility Trailer w/Gate	\$1,059.00

Commissioner Bousquet moved, seconded by Commissioner Gomez to purchase the 2010 Kawasaki KVF650 Brute Force for a cost of \$5,400 plus \$200.00 for 6-ply tires and Commissioner Rohde will negotiate that one-half is to be paid from this year's fiscal budget and the other half will be payable out of next year's fiscal 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 "Julie Smith – Norm Waitt Sr. YMCA approve wellness program by contributing a portion or all of the single membership to the YMCA."

Julie Smith stepped up to the podium and said that eight employees are currently members of the YMCA and there is a minimum of ten employees needed to participate for the county to get a discount.

She explained what she perceived the benefits are for employees to use the YMCA.

The Board discussed 50/50 participation meaning the county would pay 50% of the employees share of the monthly fee. The monthly for a single Y rate is \$39 after the County's discount and that would leave the County to pay \$19.50 for each membership. If an employee wants a family membership that would be \$62 and the county would contribute the same \$19.50 for the employee, therefore costing an employee \$43.50 for family membership.

Commissioner Rohde moved, seconded by Commissioner Bousquet to pay one-half of any employees share of the YMCA membership, who wishes to join the YMCA, until which time they discontinue use for two consecutive months and to authorize the Chair to sign any agreements required for the County's participation.

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 – LEC Emergency Manager Director to present the Guaranteed Maximum Price for the LEC Expansion Project and to request final approval to sign contracts and proceed with the project.

Mr. Foust said that he was before the Board to get their final approval based on the numbers. They have ground breaking date set for April 5. As soon as I leave here I have to appear before the Council for the same thing. He didn't expect any problems there and about a projected 155 day construction period. Substantial Completion is August 6<sup>th</sup>. He said that they are using lite form construction.

There is one change from what he sent the first time. The total cost of the project is \$660,079 and that is a maximum cost figure.

Commissioner Gomez moved, seconded by Bousquet to approve the plan and funding for the Law Enforcement Center Expansion Project and proceed with the project.

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

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Presentation of plaque to Gene Cantrell for his years of service on Planning & Zoning Board.

Commissioner Bousquet presented Gene Cantrell with a plaque commending Mr. Cantrell for 28 years service on the Planning and Zoning Board.

Chair McLarty called for the agenda item "Authorize to purchase a van for the Veteran's Service Officer."

It was discussed that the Veteran Service Office's mileage allowance was running \$500 a month and in some cases \$650. The thought of the Board was that the Veteran Service Office could use the Corrections Van or to purchase a van suitable for transporting Veteran's. It was mentioned that Mr. Boyd's suburban is not handicapped accessible.

Commissioner Bousquet moved, seconded by Commissioner McNear to table the purchase of a van for the Veteran's Service Office and to carry it on the agenda for March 22, 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 "Motion concerning all Official's and Department Head to provide a key for their office to be kept by the Board.

This issue was determined to be resolved as the Assistant to the Board has access to all the keys.

Chair McLarty called for the agenda item "P & Z Membership term's re-appointed."

It was discussed that Commissioner Gomez, Marlin Millard, Dorothy Lux and Pam Miller should review the applicants and to make a recommendation to the Board and to carry the item on the agenda.

Chair McLarty called for the agenda item "Board of Adjustments appointments."

Commissioner Bousquet moved, seconded by Commissioner McNear to appoint Dennis Reinert to the Board of Adjustments to complete the unexpired term of Erwin Larson, who recently resigned December 29, 2009

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

Chair McLarty called for the agenda item "Millis Beach Railroad Crossing – Resolution by Board concerning Train blocking entrance to Millis Beach.

Commissioner Rohde said that he had a call that the entrance to Millis Beach was blocked by a train for 35 minutes and that he thought that the County should write a letter to the railroad to let them know that this has happened on occasions. He thought that the Railroad may not realize that this is happening and suggested that the County Attorney draft a letter to the Railroad concerning the blockage of this entrance and that the letter be brought back to the next meeting for consideration.

Chair McLarty called for the agenda item to "Approve December 14, 2009 payroll claims to be entered on a newly created page 368B and direct County Clerk to label the present page 368 page 368A. Both, which are part of Commissioners Record Book Q.

Commissioner McNear moved, seconded by Commissioner Gomez to adopt Resolution 10C-004 to add the payroll claims that were approved in the minutes of December 14, 2009, but inadvertently omitted from those minutes as follows:

Dakota County Board of Commissioners  
Resolution 10C-004

Whereas; the payroll and the Visitor's Promotion Fund claims were omitted in the December 14, 2009 typed minutes of the Official Board Record, and

Whereas; it is the desire of this Board that those claims be made part of the Official Record.

BE IT THEREFORE RESOLVED; that the County Clerk insert Page 368 (B) itemizing those claims that were previously approved into the Official Record and the claims included in this Resolution shall be printed on said page.

BE IT FURTHER RESOLVED; that the Official Page 368 be labeled 368 (A) of B clearly identifying the page has an A and B part.

AND FINALLY BE IT RESOLVED; that the words These claims are to be inserted in the place of word "CLAIMS" on page 368(A) in reference to actual claims paid.

COUNTY GENERAL FUND: Gross salaries- \$123,779.69, General Fund Employees Net Pay- \$89,210.16, Employer deductions paid: Retirement- 8,631.21, FICA- 7,538.63, Medicare- 1,763.03, 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- 795.60, Bobbi Jo Harsma- 1058.94, Theodore Piepho- 1647.87, Marisol Curiel- 958.40, Darlene Davis- 883.88, Robert Giese- 1647.87, Ruth Gillaspie- 1235.89, Jolene Heinemann- 946.20, Kim Kuehl- 790.84, Phyllis Ridge- 874.06, Margaret Rahn- 1229.82, Daniel Christoffers- 533.20, Arnold Mellick- 216.26, Valerie Danielson- 1647.87, Lori Jessip- 847.07, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2061.07, Guadalupe Kennedy- 991.21, Richard Jensen- 1714.79, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1751.75, Anthony Bos- 1824.94, Sandy Dickens- 463.70, Brian Ellinger- 2095.84, Penny Epting- 1888.48, Michael Estes- 1430.25, Brent Gilster- 1971.03, Todd Hammer- 1800.90, Richard Hansen- 1318.20, Melvin Harrison III- 1700.85, Rodney Herron- 1830.92, Jason James- 1462.70, Kimberly Johnson- 383.53, Jared Junge- 1674.58, Michael Kreegar- 1600.80, Gayle Richards- 833.09, Kevin Rohde- 1696.79, James Wagner- 1647.87, Randall Walsh- 1913.11, Kerry Johnson- 880.08, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2346.15, Mary Spurlock- 926.40, Aimee Uhl- 996.48, Kimberly Watson- 2666.12, Caterina Chapman- 1200.21, Jacob Acero- 1268.29, Ermelinda Ballesteros- 1330.56, Joshua Blatchford- 1283.04, Dusty Boyd- 1407.09, Rebecca Broer- 1351.37, Sandy Dickens- 794.33, Lisa Ford- 1290.68, Robert Foster- 1206.15, Linda Frost- 693.60, John Gilles- 1286.75, Alma Gunderson- 1306.80, Amber Hamman- 1254.00, Paula Harrigfeld- 506.14, Cathy Harsma- 1286.75, Deanna Haukap- 1223.06, Jackie Heaton- 1609.61, Jeffrey Heitzman- 1125.60, Adam Hough- 1213.46, Matthew James- 1206.15, Brett Johnson- 1,230.94, Nicholas Kellen- 1302.84, Brenda Kelly- 1327.01, Terry Kern- 1884.62, Keith Klein- 1207.98, Mark Nelson- 1365.38, Travis Olander- 1100.38, Kimberly Peterson- 1374.29, Doyle Pilgrim- 979.20, Daniel Rodasky- 1230.49, Jutharatana Ruenprom- 1237.93, Stephanie Ryan- 1278.88, Linda Schovanec- 1299.20, Francis Tope- 1274.50, Charvette Williams- 1310.36, Jewel Williams- 1278.82, Matthew Wise- 968.58, Cara Wood- 1298.55, Jolene Gubbels- 1018.40, Leon Pies- 621.60, Maureen Biggar- 1000.62, Pamela DeVries- 1636.90, Bonnie Kahler- 807.95, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 9,924.51, State- 4,166.38, FICA- 7,538.63, Medicare- 1,763.03, Retirement- 5,846.18, Health Plan- 200.00, DC Dental Plan- 462.00, Colonial Health- 16.20, Sheriff Union Dues- 310.00, Deferred Comp- 607.00, Garnishments- 2,069.41, Aflac Health- 518.46, Aflac Life/Dsbl- 156.48 and Flex Plan- 991.25

COUNTY ROAD PAYROLL: Gross salaries- \$18,494.30, Road Employees Net Pay- \$13,163.36, Employer deductions paid: Retirement- 1,248.38, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 1,124.61, and Medicare- 263.03.

Brent Byroad- 1651.05, Robert Hacker- 1518.08, Ronald Harder- 1282.29, Hans Houfek- 1343.78, Robert Jacobsen- 1419.98, Fred Kellogg- 1648.00, Robert Lillard- 2044.75, Kimon Litras- 1321.58, Arnold Mellick- 1572.99, Willie Peters II- 1413.50, Leon Pies- 621.60, Kip Reinbold- 1413.50, James Swanson- 1243.20.

ROAD FUND: Employee withholding paid to: Federal- 1,430.96, State- 622.86, FICA- 1,124.61, Medicare- 263.03, Retirement- 832.23, 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.

VISITORS PROMOTION: South Sioux City Chamber of Commerce, lodging tax- \$9,414.04.

Passed and adopted this 8<sup>th</sup> day of March, 2010.

Dakota County Board of Commissioners

ATTEST

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William I. McLarty, Chairman

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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 to "Approve Payroll Claims."

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

COUNTY GENERAL FUND: Gross salaries- \$123,896.55, General Fund Employees Net Pay- \$88,358.12, Employer deductions paid: Retirement- 8,642.74, FICA- 7,520.77, Medicare- 1,758.88, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.05.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 867.91, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 905.96, Margaret Rahn- 1254.42, Daniel Christoffers- 600.10, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1711.12, Anthony Bos- 1704.85, Sandy Dickens- 463.70, Brian Ellinger- 1944.24, Penny Epting- 1950.99, Michael Estes- 1428.08, Brent Gilster- 1915.99, Todd Hammer- 1780.90, Richard Hansen- 1380.40, Melvin Harrison III- 1845.95, Rodney Herron- 1830.92, Jason James- 1787.32, Kimberly Johnson- 119.03, Jared Junge- 1722.82, Michael Kreegar- 1668.34, Gayle Richards- 895.71, Kevin Rohde- 1752.09, James Wagner- 1634.45, Randall Walsh- 1915.70, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiadt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1226.78, Ermelinda Ballesteros- 522.72, Joshua Blatchford- 1310.76, Dusty Boyd- 1291.54, Rebecca Broer- 1403.50, Sandy Dickens- 804.25, Lisa Ford- 1294.62, Robert Foster- 1206.15, Linda Frost- 816.00, John Gilles- 1298.55, Alma Gunderson- 1306.80, Amber Hamman- 1604.63, Paula Harrigfeld- 312.89, Cathy Harsma- 1306.42, Deanna Haukap- 1096.66, Jackie Heaton- 1508.73, Jeffrey Heitzman- 1198.84, Adam Hough- 1403.39, Matthew James- 1209.81, Brett Johnson- 1234.73, Nicholas Kellen- 1318.68, Brenda Kelly- 1327.01, Terry Kern- 1923.08, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1223.06, Kimberly Peterson- 1202.50, Doyle Pilgrim- 930.24, Daniel Rodasky- 1241.65, Jutharatana Ruenprom- 1241.65, Stephanie Ryan- 1369.38, Linda Schovanec- 1299.20, Francis Tope- 1212.00, Charvette Williams- 1306.42, Jewel Williams- 1241.65, Matthew Wise- 1191.53, Cara Wood- 1302.49, Jolene Gubbels- 1018.41, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 764.45, Shirley Voss- 921.63, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 10,570.64, State- 4,191.26, FICA- 7,520.77, Medicare- 1,758.88, Retirement- 5,855.08, Health Plan- 450.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 380.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 653.48, Aflac Life/Dsbl- 234.87 and Flex Plan- 949.03.

COUNTY ROAD PAYROLL: Gross salaries- \$15,144.00, Road Employees Net Pay- \$10,0674.22, Employer deductions paid: Retirement- 1,022.22, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 915.58, and Medicare- 214.13.

Brent Byroad- 1316.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,136.25, State- 474.10, FICA- 915.58, Medicare- 214.13, Retirement- 681.48, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 425.55, Aflac Health- 190.40, 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 to "Approve Accounts Payable Claims".

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

GENERAL FUND: Dakota County Star, publishing- 280.84; Holiday Inn, lodging- 146.00; William McLarty, mileage- 426.94; Star Printing, letterhead- 40.00; AS Central Services, data storage- 15.00; Dakota County Star, publishing- 2062.94; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 90.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorenson, prior yrs- 26.00; Staples, supplies- 56.93; Irene Van Lent, prior yrs- 16.00; William Binkard, reimburse- 322.41; Dakota County Sheriff, papers/warrants- 1285.85; Ateam Heating, repair- 127.50; Barone Security Sytems, inspections- 270.00; Bunkers Feed & Supply, salt- 63.80; Gill Hauling, service- 120.00; Grainger, repair/supplies- 271.45; Richard Jensen, mileage- 81.40; Menards, supplies- 200.00; O'Keefe Elevator, maintenance- 159.53; Sams Club, supplies- 134.90; AJ Phillips, reports- 1106.00; Fremont Tire, service/repair- 2597.33; Jacks Uniforms, clothing- 347.75; Jackson Glass, windshield- 290.00; Janitor Depot, supplies- 65.20; Net Sys Plus, repair- 180.00; Racom, t1- 707.40; Sioux City Ford, repair- 1061.94; Siouxland Federal Credit Union, supplies- 19.68; Lucely Vales, interpret- 50.00; City of South Sioux City, lec cost- 30617.96; Amsan, supplies- 1409.19; Aramark, service- 26.44; Associated Fire Protection, repairs- 5339.47; Bob Barker, supplies- 506.56; CBM Food Service, meals- 10241.37; CashWa Distributing, meals/products- 103.72; Crescent Electric, bulbs- 95.85; Dakota County Sheriff, supplies- 14.47; Dakota Family Dentistry, medical- 208.00; Family Medicine Center, medical- 145.00; Gill Hauling, service- 120.00; Deanna Haukup, boots- 99.95; Jacks Uniforms, supplies- 232.05; Mercy Medical Center, medical- 1503.00; Midwest Office Automation, copies- 188.75; New Ideas Foundation, service- 426.80; NW Iowa Emergency Physician, medical- 302.00; Siouxland Federal Credit Union, fuel/motel/meals- 334.57; Siouxland Radiology, medical- 46.00; Speedy Rooter, service- 634.00; Staples, toner- 115.00; Walmart, prescriptions- 725.63; Walmart, supplies- 109.09; Woodbury County Juvenile Det, boarding- 2400.00; Pat Glover, clinics- 170.00; Net Sys Plus, repair- 160.00; Perkins, supplies- 18.80; Dr Thomas Wenthe, medical- 250.00; Deanna Beckman, hours- 1260.00; Sharon Erickson, clinic- 80.00; Pat Glover, clinic- 100.00; Jackie Heaton, clinic- 60.00; Judi Neswick, clinic- 60.00; Ahlers & Cooney, legal- 49.60; City of Dakota City, meals/meeting- 75.00; Fibercomm, phone- 1211.31; Lazette Gifford, website upkeep- 40.00; Mips, support- 407.84; Region IV Mental Health, qtrly service- 7476.50; Madelyn Thorland, prior yrs- 10.00; Three Rivers Benefit, admin fee/flex admin- 1080.00; US Postal Service, postage- 2500.00; PMNRD, rent- 833.33; UNL Extension, reimburse- 1207.96; Perkins, supplies- 11.98; Intab, seals/cutters- 65.86; Theodore Piepho, phone/mileage- 43.00; Todds Storeall, storage- 80.00; Thomson West, service- 213.00; AJ Phillips, cards- 63.00; Cartridge World, ink- 127.94; Debra Fergen, seminars- 30.00; H2O4U, service- 17.00; Iowa Office Supply, contract- 129.61; Kerry Johnson, supplies- 14.88; Siouxland Reporting, deposition- 63.50; Verizon, phone- 137.89; PUBLIC SAFETY: Jail Bond Fund, sales tax- 24296.73; City of South Sioux City, sales tax- 3313.19; 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 Gomez reported that the LEC Board met at the LEC on the 23<sup>rd</sup> and they went over the LEC Expansion Project.  
 Commissioner McLarty reported that he handed out the updated Legislative Report. It gives a status where the Legislative Bills are at. He also reported that he handed out a budget update. He asked Ms. Watson if anything could be done on the P&Z boundary in reference to the rodeo area allowing them (SSC) to extend their P & Z Boundary to Highway 110.  
 She said it was to early to tell.  
 Commissioner Bousquet said that he talked to Kent Zimmerman and he thought that the boundaries could be extended out beyond the two mile limit.  
 Commissioner McLarty reported that FEMA was in Pender and would be forth coming with the amount Dakota County might expect for Emergency funds due to the weather.  
 Commissioner McLarty said that the board needed to consider the trial period for paying claims every other week is about up.  
 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 called for the agenda item "Adjournment."

Commissioner Rohde moved, seconded by Commissioner McNear to adjourn at 5:10 p.m.  
 ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- yea, Bousquet- Yea, Rohde- Yea. UNANIMOUS MOTION CARRIED.



Dakota 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 22, 2010, 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, Gomez, Rohde, McNear 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 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 March 8, 2010

NPPD Representative Mark Becker and Tom Pillen will give an update on the South Sioux City 115,000 KV transmission line project.

Open Gravel Bids, which were advertised to be opened at 4:10 p.m.

Les Albrecht – Wishes to address Roads, Closed Roads caused by a Tube being out, L and Lutton Avenue

Tony Gomez – Approve Special Designated Liquor License

Paul Nolan - Approve inter-local Agreement with the City of South Sioux City appointing Paul Nolan as Responsible Charge to comply with Federal-Aid transportation construction program requirements.

Paul Nolan - NDOR Federal-Aid Funding Compliance-- Adopt the following Resolutions:

Resolution 10C-005 Title VI – Civil Rights

Resolution 10C-006 Title VI – Civil Rights – Americans with Disabilities/Section 504 of Rehabilitation Act

Resolution 10C-007 – Combined Consultant Selection, NEPA, Uniform Act, Signing of the Financial Management Systems Certification

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Claims
- P & Z Appointments
- Letter to Railroad
- Officials Reports
- Claims Day
- Request from County Clerk to Change time for Commissioner's Meeting to 4:10 Allowing Board of Corrections to start at 4:00 p.m. commencing with May meeting
- County Road Agreement with NE Nebraska Telephone Company to bury fiber-optic cable in public road right-of-way.
- Core Wellness Program – discussion of Mercy Medical Center's wellness program with the County; Board may rescind prior action making the program mandatory

Tabled Items:

- Authorize to purchase a van for the Veteran's Service Officer.

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Chair McLarty called for the agenda item "Approve minutes of March 8, 2010."

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the minutes of March 8, 2010, 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 "NPPD Representative Mark Becker, Tom Pillen will give an update on the South Sioux City 115,000 KV transmission line project.

Mr. Pillen introduced Mark Becker, with NPPD Corporate Communications Group and Wayne Boyd, a NPPD Board member.

Mr. Pillen passed out a packet that contained the presentation and information and said that they would like to give the board an update on the 115,000 KV transmission line project and what has been



happening in the area. Their purpose is to keep an open line of communication with the land owners, public and Elected Officials.

He talked about the public open house meetings. He said that there would be another open house meeting sometime in June this year.

Mr. Pillen explained where two segments of lines were possibly being planned and they totaled about 15 miles. The target dates for this is sometime between the summer of 2011 and the summer of 2012.

Commissioner Rohde asked if these would be single or double poles and Mr. Pillen said that they would be single poles. He said that grading activities will start this summer at the sub station one mile north east of Dakota City.

Chair McLarty left the room at 4:07 p.m. and returned at 4:08 p.m.

Chair McLarty called for the agenda item "Open Gravel Bids, which were advertised to be opened at 4:10 p.m.

The County Clerk opened the Gravel Bids submitted by 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) Higman Sand & Gravel bid Schedule I at \$5.00 FOB Pit Akron and \$11.00 FOB Sgt. Bluff Yard. Schedule III at \$14.00 FOB Pit Akron and \$19.00 FOB Sgt. Bluff Yard.
- 2) 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 \$7.50 FOB Pit and \$12.00 delivered to county yard, Schedule II at \$7.00 FOB Pit and \$11.50 delivered. There was a map supplied to deliver to the gravel to different areas of the county. Section 1 was \$11.00/ton, Section 2 was \$12.00/ton, Section 3 was \$13.00/ton, Section 4 was \$14.00/ton, Section 5 was \$15.00/ton and Section 6 was \$15.50/ton,
- 5) Pilger Sand and Gravel, bid Schedule IV at \$6.60 FOB Pit and \$13.70 delivered.
- 6) Stalp Sand & Gravel bid Schedule IV at \$6.75 FOB Pit and \$12.75 delivered.

The bids were opened in the following order: LG Everist, Inc., Pilger Sand and Gravel, Stalp Gravel Co., Higman Sand and Gravel, Peterson Sand and Gravel.

Commissioner Rohde moved, seconded by Commissioner Bousquet to accept all bids and the Road Department use discretion as to who they purchase gravel from.

Chair McLarty asked for comment from the public.

Susan Church stepped up to the podium and requested the County not to use the gravel with red clay.

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

Chair McLarty called for the agenda item "Les Albrecht – Wishes to address Roads, Closed Roads caused by a Tube being out, L and Lutton Avenue."

Mr. Albrecht stepped up to the podium. He asked for clarification why the County took out the tube in Lutton Avenue.

Fred Kellogg explained why and there was discussion concerning the removal of the tube and closing of the road.

He complained to the Board that the Road was closed.

Chair McLarty explained that there was a safety issue here and explained what he thought it was.

Mr. Albrecht said on L Avenue there are two tubes and the road is narrow. The guard rails are dropped down and you have two school buses going over them and they could hit the hole.

Mr. Albrecht complained about the county spot graveling and that doesn't make sense.

Commissioner McNear explained that the County was going to have trucks deliver gravel and apply it directly to the roads instead of stock piling.

Commissioner Rohde said that spot graveling is a temporary fix.

Chair McLarty called for the agenda item "Tony Gomez – Approve Special Designated Liquor License."

Commissioner Gomez vacated his seat and stepped up to the podium.

Mr. Gomez asked the board to approve a Special Designated Liquor License for May 30, June 20, July 11 and August 8<sup>th</sup> from 2:00 o'clock p.m. to 10:00 o'clock p.m. and on September 5 from 2:00 o'clock p.m. to 11:00 o'clock p.m. and on September 11<sup>th</sup> from 2:00 o'clock p.m. to 9:00 o'clock p.m.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the issuance of a Special Designated Liquor License at the Rodeo sponsored by Tony Gomez for the following dates and times; May 30, June 20, July 11 and August 8<sup>th</sup> from 2:00 o'clock p.m. to 10:00 o'clock p.m. and on September 5 from 2:00 o'clock p.m. to 11:00 o'clock p.m. and on September 11<sup>th</sup> from 2:00 o'clock p.m. to 9:00 o'clock p.m.

Chair McLarty asked if there were any questions from the board and Commissioner Rohde asked Mr. Gomez how long he had been doing these rodeos and if he has had any complaints.

Mr. Gomez responded to the question.

Chair McLarty mentioned that he had two supporting documents. One from Dakota City where Tony has used his profits to assist Parks and Recreation Program and one from St Michael's Church, which points out that he made donations to their church programs and he has made a large donation to the Dakota County Fire Department.

Chair McLarty asked if there were any questions from the audience.

Betty O'Neill asked if Tony has brought an application for the Board to review. She then went into the December 15, 2008 issue where she maintains that the Attorney General ruled that the meeting didn't happen.

There was discussion concerning any applications filed by Mr. Gomez and being that there was no application the Board felt it was best that this would be handled next meeting.

Commissioner Bousquet withdrew his motion and Commissioner Rohde withdrew his second, as result of Betty O'Neill asking if an application has been submitted to the Board.

Chair McLarty called for the agenda item "Paul Nolan - Approve inter-local Agreement with the City of South Sioux City appointing Paul Nolan as the responsible party in charge to comply with Federal-Aid transportation construction program requirements."

Chair McLarty said that he had the Interlocal Agreement and it was approved by the County Attorney approving Paul V. Nolan as being designated as the responsible party for management of the processes on behalf of the County and asked if the board wanted to pass it but would not bore the Board by reading it.

Commissioner Bousquet moved, seconded by Commissioner McNear to enter into an Interlocal Agreement with South Sioux City appointing Paul V. Nolan as the responsible party for management of the processes on behalf of the County; as follows:

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT made and entered into this \_\_\_\_\_ day of March, 2010, by and between THE CITY OF SOUTH SIOUX CITY, DAKOTA COUNTY, NEBRASKA, a municipal corporation ("SSC") and THE COUNTY OF DAKOTA COUNTY, NEBRASKA, a political subdivision ("County"), WITNESSETH:

WHEREAS, SSC is a City of the First Class with extraterritorial jurisdiction extending two (2) miles beyond its corporate limits; and,

WHEREAS, County is a political subdivision in Nebraska; and,

WHEREAS, SSC and County are required to comply with the Local Public Agencies Guidelines Manual of the Nebraska Department of Roads including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act); and,

WHEREAS, all recipient participation in Federal-Aid transportation construction programs is required to have a responsible party for consultant selection and compliance with NEPA and the Uniform Act; and,

WHEREAS, Paul V. Nolan, Public Works Director of SSC, has met all requirements to be the responsible party for management of those processes for SSC; and,

WHEREAS, the parties desire to enter into an agreement whereby Paul V. Nolan would be designated as the responsible party for management of the processes on behalf of County; and,

WHEREAS, this agreement is intended to make efficient use of the authorities of the parties and enable them to cooperate and provide services which will assist County; and,

WHEREAS, it is in the best interest of each of the parties to enter into this Interlocal Agreement regarding compliance with the rules and regulations of the Federal Highway Administration, all state law and requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act); and,

WHEREAS, the governing body of each of the aforesaid governmental subdivisions has duly adopted an Ordinance or Resolution authorizing the execution of this Interlocal Agreement pursuant to the provisions of the Interlocal Cooperation Act (Sections 13-801 to 13-827, R.R.S. 1943, as amended).

NOW THEREFORE, pursuant to the authority of said Interlocal Cooperation Act and pursuant to the authority and direction of the ordinances and resolutions herein above referred to as adopted by each of the governmental subdivisions who are parties hereto, and in consideration of the mutual covenants and undertakings herein contained, IT IS HEREBY AGREED by and between each of the aforesaid governmental subdivisions, and each of them, and each of their successors, as follows:

1. Duration. The term of this agreement shall be for two (2) years from the date of execution. This agreement may be extended for an additional two (2) year term upon mutual agreement of the parties.

2. Administration. Due to the nature of the agreement and the responsibilities of each governmental subdivision, it is determined that it is not necessary to create any separate legal or administrative entity for administration of this agreement. In the alternative, administration of the agreement shall be the joint responsibility of the SSC City Administrator and the County Chairman of the Board of Commissioners.

3. Purpose. The purpose of this agreement is to provide a responsible party to County for management of the following processes:

- a) Consultant selection process;
- b) The National Environmental Policy Act (NEPA); and,
- c) The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

4. Statement of Principle and Policy. The parties recognize that this agreement includes a general statement of principle and policy, and that addenda to the Interlocal Agreement or additional agreements on specific subjects relating to compliance by County may be developed subsequently.

5. Responsibilities of County. The staff of County will provide all record-keeping, filing, and other requirements set forth in Exhibit "A," which is attached hereto and made a part hereof by this reference. All records will be reviewed by Paul V. Nolan, but all record-keeping responsibility shall remain with the County staff.

6. Compensation. County will pay to SSC \$60.00 per hour for the services provided by Paul V. Nolan, plus all out-of-pocket expenses, including copying, mileage, and a proportionate share of continuing education requirements.

7. Indemnification. It is understood and agreed that by execution of this Interlocal Agreement, County assumes the entire responsibility and liability for any and all damage caused by or

resulting from or arising out of any act or omission on the part of SSC or Paul V. Nolan under or in connection with this Interlocal Agreement or the performance or failure to perform any work required herein and done in good faith. County shall save harmless and indemnify SSC and Paul V. Nolan from and against any and all claims, losses or expenses, including repayment of any funds received by County as a recipient of federal aid funding by the Federal Highway Administration as administered by the Nebraska Department of Roads, rising out of or in connection with any and all such damage, real or alleged, and County shall, upon written demand by SSC or Paul V. Nolan, assume and defend at County's sole cost and expense any and all such claims.

8. Designation of Responsible Party. County may designate Paul V. Nolan as the responsible party for management of the processes for consultant selection, the National Environmental Policy Act (NEPA), and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act).

9. Third Party Beneficiaries. There are no third party beneficiaries to this agreement and this agreement shall not be interpreted to create such rights.

10. Relationship to Existing Laws and Statutes. This agreement does not modify or supersede any existing state or federal law or statute. The parties will comply with all applicable state statutes.

11. Amendments. The parties recognize that amendments to this agreement may be necessary to clarify particular sections or to update or expand the agreement. Any addendum or amendment must be mutually agreed upon by the parties and executed in writing before becoming effective. Nothing in this agreement limits the parties entering into Interlocal agreements on additional issues not covered by the terms of this agreement.

12. Effective Date. This agreement shall become effective following the approval by the governing bodies of each of the parties hereto and the signing of the agreement by the duly authorized representatives of each of the parties.

13. Budgets. It is not necessary to create a separate budget for this agreement.

14. Severability. If any provision of this agreement is determined to be invalid, such invalidity shall not affect the other provisions of this agreement which can be given effect without the invalid provisions. Each provision of this agreement is declared to be severable.

15. Entire Agreement. This agreement constitutes the entire agreement between the parties with respect to the framework issues for annexations. It is anticipated that the parties may enter into further Interlocal agreements on specific subject areas as indicated in the text of this agreement.

IN WITNESS WHEREOF, the governmental subdivisions who are parties hereto have, on the day and year first above written, caused this agreement to be executed by the respective officers as duly authorized by the governing body.

THE CITY OF SOUTH SIOUX CITY,  
DAKOTA COUNTY, NEBRASKA,  
A municipal corporation,

BY \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

THE COUNTY OF DAKOTA COUNTY,  
NEBRASKA, a political subdivision,

BY \s\ William I. McLarty  
CHAIRMAN, 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 "Paul Nolan - NDOR Federal-Aid Funding."

Mr. Nolan said that this resolution resolves that the Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of Dakota County.

Be It Further Resolved: The Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the Title VI – Civil Rights process: County Chairman of the Board of Commissioners.

Commissioner Rohde moved, seconded by Commissioner McNear to adopt NDOR Federal-Aid Funding Resolution 10C-005 that the Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of Dakota County.

Be It Further Resolved: The Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the Title VI – Civil Rights process: County Chairman of the Board of Commissioners, as follows:

RESOLUTION  
TITLE VI – CIVIL RIGHTS  
Dakota County  
Resolution No. 10C-005



Whereas: Dakota County understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in Dakota County being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of Dakota County.

Be It Further Resolved: The Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: County Chairman of the Board of Commissioners.

Adopted this 22<sup>nd</sup> day of March, 2010 at Nebraska.

The Board of Commissioners of Dakota County

\s\ Rick Bousquet                      \s\ William B. Rohde  
\s\ Antonio A. Gomez                      \s\ William I. McLarty  
\s\ Richard McNear

Board Member Gomez Moved the adoption of said resolution

Board Member Bousquet Seconded the motion

Roll Call: 5\_Yes 0\_No 0\_Abstained 0\_Absent

Resolution adopted, signed and billed as adopted

Attest:

\s\ Theodore A. Piepho

County Clerk

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

Chair McLarty called for the agenda item “Resolution 10C-007 – Combined Consultant Selection, NEPA, Uniform Act, Signing of the Financial Management Systems Certification.”

Mr. Nolan said that this resolution resolves that the Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems, and it further resolves that the Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the following processes:

Consultant Selection process: Paul Nolan, South Sioux City Public Works Director

The National Environmental Policy Act (NEPA): Paul Nolan, South Sioux City Public Works Director

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): Paul Nolan, South Sioux City Public Works Director

The following individual is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution: County Chairman of the Board of Commissioners.

Commissioner Rohde moved, seconded by Commissioner Bousquet that the Dakota County Board of Commissioners does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems.

Be It Further Resolved: The Dakota County Board of Commissioners does hereby designate the following as responsible for the management of the following processes:

Consultant Selection process: Paul Nolan, South Sioux City Public Works Director

The National Environmental Policy Act (NEPA): Paul Nolan, South Sioux City Public Works Director

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act): Paul Nolan, South Sioux City Public Works Director

The following individual is hereby authorized to sign the Financial Management Systems Certification attached to this Resolution: County Chairman of the Board of Commissioners.

**RESOLUTION  
COMBINED CONSULTANT SELECTION, NEPA, UNIFORM ACT, SIGNING OF THE  
FINANCIAL MANAGEMENT SYSTEMS CERTIFICATION**

Dakota County  
Resolution No. 10C-007





Budget Control: The LPA will maintain records for Federal financial assistance that compares actual expenditures or outlays with budgeted amounts. Financial information must be related to performance and productivity data including the development of unit cost information.

Allowable Cost: The LPA must have procedures for determining whether costs are reasonable, allowable, and allocable; consistent with State and Federal requirements.

Source Documentation: The LPA must maintain, or cause to be maintained, the source documentation for its accounting records.

- C. The NDOR will periodically review the adequacy of the financial management system of any applicant for financial assistance, as part of a pre-award review or at any time during the Federal-aid project. If NDOR determines that the LPA's accounting system does not meet the standards described in paragraph B above, the NDOR will require remedial action by the applicant to maintain eligibility for federal assistance. Failure to comply with any requirements imposed by the NDOR may result in sanctions as identified in Chapter 15 of the LPA Guidelines Manual.

Chair McLarty called for the agenda item "Approve Payroll Claims."

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

COUNTY GENERAL FUND: Gross salaries- \$125,562.82, General Fund Employees Net Pay- \$89,728.79, Employer deductions paid: Retirement- 8,750.27, FICA- 7,624.10, Medicare- 1,783.06, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.10.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 954.40, Bobbi Jo Harsma- 1087.21, Theodore Piepho- 1634.45, Marisol Curiel- 940.43, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 860.62, Phyllis Ridge- 912.34, Margaret Rahn- 1254.42, Daniel Christoffers- 559.30, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1716.20, Anthony Bos- 2009.96, Sandy Dickens- 463.70, Brian Ellinger- 1817.91, Penny Epting- 1690.85, Michael Estes- 1402.11, Brent Gilster- 1780.89, Todd Hammer- 1713.60, Richard Hansen- 1380.40, Melvin Harrison III- 1690.85, Rodney Herron- 1830.92, Jason James- 1553.59, Kimberly Johnson- 539.58, Jared Junge- 1715.20, Michael Kreegar- 1680.84, Gayle Richards- 871.20, Kevin Rohde- 1774.72, James Wagner- 1634.45, Randall Walsh- 2083.99, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1223.06, Ermelinda Ballesteros- 2130.48, Joshua Blatchford- 1354.32, Dusty Boyd- 1234.73, Rebecca Broer- 1359.39, Sandy Dickens- 815.12, Lisa Ford- 1278.88, Robert Foster- 1231.74, Linda Frost- 816.00, John Gilles- 1282.81, Alma Gunderson- 1306.80, Amber Hamman- 1357.13, Paula Harrigfeld- 607.37, Cathy Harsma- 1298.55, Deanna Haukap- 1204.47, Jackie Heaton- 1634.83, Jeffrey Heitzman- 1228.08, Adam Hough- 1226.78, Matthew James- 1074.57, Brett Johnson- 1246.09, Nicholas Kellen- 1330.56, Brenda Kelly- 1319.04, Terry Kern- 1923.08, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1219.34, Kimberly Peterson- 1202.50, Doyle Pilgrim- 930.24, Daniel Rodasky- 1249.08, Jutharatana Ruenprom- 1237.93, Stephanie Ryan- 1444.15, Linda Schovanec- 1299.20, Francis Tope- 1212.00, Charvette Williams- 1278.88, Jewel Williams- 1262.10, Matthew Wise- 1228.08, Cara Wood- 1286.75, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 785.35, Shirley Voss- 1058.50, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 10,626.95, State- 4,232.95, FICA- 7,624.10, Medicare- 1,783.06, Retirement- 5,925.10, Health Plan- 450.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 380.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 653.48, Aflac Life/Dsbl- 234.90 and Flex Plan- 949.03.

COUNTY ROAD PAYROLL: Gross salaries- \$15,144.00, Road Employees Net Pay- \$10,674.21, Employer deductions paid: Retirement- 1,022.22, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 915.58, and Medicare- 214.13.

Brent Byroad- 1316.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,136.25, State- 474.10, FICA- 915.58, Medicare- 214.13, Retirement- 681.48, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 425.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan- 60.00 and Union Dues- 140.00.

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

Chair McLarty called for the agenda item "Approve Accounts Payable Claims."

Chair McLarty said that there was one item that had to be addressed and that was that the Veteran Service Office was going to be short \$120.91 of his \$1,000 claim in the Soldiers and Sailors Fund. He said to pay that claim there would have to be a loan and that could be transferred from the Inheritance Tax Fund and asked what they wanted to do.

Commissioner Bousquet moved, seconded by Commissioner McNear to loan the Veteran's Aid Fund \$125 from the Inheritance Tax fund and authorize a transfer for that amount.

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



Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the Accounts Payable claims filed with the County Clerk and submitted by him for payment, as follows:

GENERAL FUND: Perkins, supplies- 18.63; AS Central Service, data storage- 65.00; Computer SOS, repair- 40.00; Charlotte Doenhofer, prior yrs- 10.00; Robert Giese, mileage- 60.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Capital One, supplies- 433.67; Microfilm, lease- 240.00; Perkins, supplies- 32.06; Theodore Piepho, mileage/supplies- 78.86; Dakota County Star, publishing- 9.26; Holiday Inn, lodging- 210.00; Arnie Mellick, phone- 30.00; Marlan Millard, mileage- 170.00; District Court, reimburse- 29.55; Perkins, supplies- 229.33; AS Central Services, supplies- 124.13; Dakota Business Systems, lease- 99.00; Paula Jensen, reimburse- 4.80; Lawsoft, update- 80.00; Microfilm Imaging, scanning- 100.50; Midwest Office Automations, contract- 334.10; Raul Escobedo, interpret- 25.00; Frank Gonzalez, interpret- 450.00; Midwest Office Automations, toner/contract- 95.36; Perkins, supplies- 79.49; Matthew Connealy, court appointed counsel- 180.00; Randy Hisey, court appointed counsel- 414.00; Stuart Mills, court appointed counsel- 345.00; Douglas Roehrich, court appointed counsel- 510.00; Patrick Tott, court appointed counsel- 654.00; Matthew Connealy, court appointed counsel- 1017.00; Dakota County Court, court cots- 1167.75; Randy Hisey, court appointed counsel- 1048.50; Kueny & Begley, court appointed counsel- 408.00; Stuart Mills, court appointed counsel- 1548.00; Douglas Roehrich, court appointed counsel- 204.00; Brett Wheelock, witness fee- 28.00; Dean and Associates, committal- 250.00; District Court, claim lists- 694.00; Frank Gonzalez, interpret- 100.00; Randy Hisey, court appointed counsel- 1249.50; Susan Hunke, bill of exceptions- 982.75; MIPS, scanning- 85.00; Nebraska State Bar Assoc, directories- 70.00; Stratton Law, court appointed counsel- 2155.64; Net Sys Plus, repair- 180.00; Benstar Packaging, supplies- 374.15; Foulk Brothers, maintenance- 4218.02; Grainger, repair/supplies- 177.46; Joes Dept Store, repairs- 110.94; Lewis Electric, supplies- 412.42; Menards, supplies- 146.58; MidAmerican Energy, utilities- 1462.00; Nebr Public Power Dist, utilities- 1359.82; Siouxland Lock & Key, lock hardware- 390.35; Trembly Pest Control, service- 50.00; Verizon, phone- 52.44; Kerry Bligh, animal control- 250.00; City of South Sioux City, fuel- 3787.65; Dakota Food & Fuel, fuel- 404.32; Joes Dept Store, flares- 174.74; SFCU, food- 21.98; Torco Remfg, repair- 260.95; University of Nebraska, training- 50.00; Verizon, phone- 266.78; Watchguard Video, damper- 45.00; Dept of Motor Vehicles, transcripts- 4.00; Iowa Office Supply, contract- 36.66; Kim Watson, directory- 10.00; Woodbury Co Board of Supervisors, autopsy- 1340.00; BI Inc, electric monitoring- 985.40; Caterina Chapman, mileage- 24.00; Redwood Toxicology, tests- 25.00; Verizon, phone- 55.20; Amsan, supplies- 730.40; Aramark, service- 26.44; Associated Fire Protection, inspection- 119.00; BI Inc, monitoring- 355.85; CBM Food Service, meals- 9990.27; ComTec Security, repairs- 2160.00; Dakota Business Systems, contract- 281.00; Dakota Food & Fuel, fuel- 116.33; Dept of Correctional Serv, safekeepers- 1767.20; Sandy Dickens, mileage- 96.00; Jacks Uniforms, boots- 99.95; Joes Dept Store, supplies- 170.20; Mercy Business Health Care, medical- 1575.00; Mercy Medical Center, medical- 5.00; MidAmerican Energy, utilities- 2176.58; Nebraska Public Power Dist, utilities- 1744.36; Net Sys Plus, repair- 160.00; NW Iowa Emerg Phys, medical- 377.00; Doyle Pilgrim, mileage- 40.00; Sams Club, supplies/membership- 322.73; SFCU, fuel/meds- 38.96; Staples, supplies- 272.96; Trembly Pest Control, service- 35.00; Verizon, phone- 327.12; Wigman Company, plunger kits- 367.87; Woodbury Co Juvenile Det, boarding- 200.00; Dakota County Star, publishing- 19.29; Holiday Inn, lodging- 210.00; Fred Kellogg, meals- 122.10; Olsson Assoc, publishing- 708.75; Sams Club, membership- 70.00; Verizon, phone- 33.39; Carex, trays- 54.00; Pam Devries, mileage/lodging- 222.97; Hopkins, handbook- 153.95; Roxanne Voss, mileage- 38.50; Perkins, supplies- 154.93; Star Advantage, publishing- 778.00; Daniel Christoffers, data entry- 124.30; Alan Boyd, mileage- 354.50; Electronic Engineering, pager- 13.95; Thomson West, service- 664.43; Ben Star Packaging, copy paper- 1740.00; Cable One, internet- 169.96; FSH Communications, payphone- 63.60; Road Fund, budget transfer- 125000.00; Road Improvement, budget transfer- 32000.00; Weed Fund, budget transfer- 6000.00; Hasler Financial Services, lease- 454.00;

ROAD FUND: Aramark, service- 360.96; AZ Inc, fuel- 168.00; Bomgaars, supplies- 128.90; City of South Sioux City, salt- 1608.60; Frame Aligners, parts/labor/snow removal- 10513.08; Fremont Tire, oil/supplies- 23.51; Gill Hauling, service- 55.00; Scott Hassler, mailbox- 20.81; Heeney Electric, repairs- 624.63; Walter Heinemann, prior yrs- 29.00; Heritage Express, fuel- 119.00; Hubbard Minimart, fuel- 1090.47; Hydraulic Sales & Svc, labor- 185.00; H2O4U, service- 8.50; J&J Pronto, fuel- 122.60; Joes Dept Store, parts/supplies- 555.94; Kinetic Leasing, loader payment/interest- 2458.00; LG Everist, sand- 775.11; Linweld, oxy- 283.66; Lux Bros Trucking, snow removal- 44750.00; Midwest Service & Sales, signs/blades/chains- 13921.92; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts/supplies- 431.34; NAPA, supplies- 116.50; Nebraska Chapter APWA, snow conference- 200.00; Nebr Public Power Dist, utilities- 83.37; NE Nebr Public Power Dist, utilities- 274.18; Northeast Nebr Telephone, phone- 170.52; Peterson Sand & Gravel, gravel/snow removal- 28855.00; Pumps, tires- 2679.00; Powerplan, parts/supplies- 1302.34; Sapp Bros, propane- 1417.78; Sapp Bros Petro, supplies/oil- 2960.71; Siouxland Hydraulics, parts- 20.28; Stephan Welding, parts/supplies- 511.25; Titan Access, parts/supplies- 545.73; Torco Remfg, parts- 307.15; TriState Comm, radio equip- 763.00; Troy's Auto World, parts- 246.00; Verizon, phone- 186.02; Warren Oil, diesel- 9939.80; Ziegler's, parts/supplies- 3822.48;

ROAD IMPROVEMENT: Olsson Associates, engineering- 30345.00;

VISITORS PROMOTION: South Sioux City Chamber, lodging tax- 6533.43;

INSTITUTIONS: Beatrice State Dev, quarterly payment- 537.00;

VETERANS AID: Veterans Service Office, relief- 1000.00;

INHERITANCE TAX: Veterans Aid Fund, loan- 125.00;

WEED FUND: Advance Auto Parts, parts/oil- 53.37; Central Community College, training- 105.00; Champion Cycle, sprayer equipment- 4000.00; Dakota Business Systems, copier rental- 102.00; Heritage Express, fuel- 106.01; Hubbard Minimart, fuel- 316.00; J & J Pronto, fuel- 69.00; Marx Truck Trailer Sales, sprayer equipment- 1170.00; Leon Pies, meals/mileage- 9.54; Quality Inn, lodging- 183.00; Sioux City Ford, repair- 51.83;

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

Chair McLarty called for the agenda item "P & Z Appointments."

Commissioner Gomez said that the committee met last Wednesday at 10:00 a.m. The committee was recommending Harold Moes, Debra Green and Joe O'Neill.

Commissioner Gomez moved, seconded by Commissioner McNear to appoint Harold Moes, Debra Green and Joe O'Neill to a three year term on the Planning and Zoning Board.

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

Chair McLarty called for the agenda item "Letter to Railroad."

The County Attorney said that in her research that the statute mentions a one hundred dollar fine and that deals with unincorporated villages and towns. She said that the State Department of Roads Engineer doesn't think the County has the authority to make an ordinance or anything about it, and when she talked to the FRA, they did not think that we have any authority over the railroads other than to communicate any problems to them and hope that they are going to be good corporate citizens.

Commissioner Bousquet clarified that by saying "if they are blocking that crossing we can't send a deputy out there to ticket them" and the County Attorney said that they could not. She said under 74-594, it says in part, "No member of a train crew, yard crew, or engine crew of a railroad shall be held personally responsible or found guilty of violating any state laws or any municipal ordinances" and the Engineer suggested that we find another route for them to get out.

The Board discussed sending a following letter to the railroad concerning the railroad blocking the entrance to Millis Beach Area.

Commissioner Bousquet moved, seconded by Commissioner Rohde to send the letter drafted by the County Attorney to the Railroad and to ask them to be more considerate of how people feel at Millis Beach and then we need to work with them to try and get another access in and out of there.

March 22, 2010

Steve Forsberg  
General Director of Public Affairs  
BNSF Railway

BY FAX: (817) 352-7925

RE: Blocked Railroad Crossing

Dear Mr. Forsberg:

The Dakota County Board of Commissioners has directed me to write to you regarding a community issue concerning BNSF Railway operations in Dakota County, Nebraska. On February 25, 2010, a Burlington Northern train blocked the crossing located near the intersection of 164<sup>th</sup> Street and E Avenue in Dakota County from approximately 11:00 a.m. to 11:30 a.m. The community is concerned because when trains block this crossing, all traffic entering and leaving Millis Beach, a small residential area, is blocked. The Board has received complaints in the past about trains blocking this crossing; however, I have not received dates and times for those occasions.

The Rail and Public Transportation Engineer for the Nebraska Department of Roads has suggested that the County figure out a second access into the Millis Beach area. The County has attempted to do so without success. Consequently, I am consulting with you in an attempt to find a solution to problem. If you need any further information, please contact me.

Thank you for your time

Sincerely,

Kim Watson  
Dakota County Attorney

Chair McLarty asked if there were any comments by the public?

Susan Church stepped up to the podium and said that the only answer is that they, meaning the residents in Millis Beach, need another road out of there. She said that we first started talking about this, she mentioned a temporary road, but then she started talking about a permanent road. We need a permanent road because a temporary road is not going to be cared for. Like we were suppose to have a road there by the elevator for the Fire Department to get through and it was not touched all winter. She said bottom line is that the residents need another road out of there.

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

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

Commissioner Bousquet moved, seconded by Commissioner McNear, to approve the Official's Reports of the County Clerk, Register of Deeds and the Clerk of District Court for February, 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 "Claims Day."

Commissioner Rohde said that he would like to keep it as it was in the trial period, every two weeks. Chair McLarty reported that he had Joan send out an email to other offices soliciting their comments and Joan reported that there were none.

The County Clerk said that there is a standing policy in his office that the person that does payroll can not take vacation in any week that there is a payroll and likewise with the person that does accounts payable except that person can not take vacation the week before and the week in which the accounts payable is actually paid.

The first page was an in house 2010 calendar showing when Bobbi Jo does payroll. The second page was an in house 2010 calendar showing when Danny does accounts payable. The clerk reported that he is busy the week before and the week of accounts payable so he can not take vacation during those weeks and he briefly explained what was done during that two week period, therefore showed weeks that Danny could not take vacation.

The third page was an in house 2010 calendar showing that if claims are paid every other week, that would involve the person doing accounts payable every week of the year.

The County Clerk said that he did not care if the Board wanted to meet just every other Monday and not the third Monday, that he would make provisions to pay accounts payable the second Monday of every month and do so in a fashion that the vendors receive checks by the first of the month.

There was continued discussion concerning the time in which claims were paid.

Commissioner Rohde moved, seconded by Commissioner Bousquet to meet every other Monday and for the second Monday being recognized as claims day.

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

Chair McLarty asked for closing comments from the Board Members.

Chair McLarty asked if there was anyone from the audience that had any comments.

Betty O'Neill stepped up to the podium and asked how many meeting were being cut by the meeting schedule change. It was determined that there would be four or five less meeting and Ms. O'Neill asked if salaries were going to be reduced because of less meeting.

It was stated that the salaries were already set for the next four years.

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

Chair McLarty called for the agenda item "Request from County Clerk to Change time for Commissioner's Meeting to 4:10 Allowing Board of Corrections to start at 4:00 p.m. commencing with May meeting."

Chair McLarty explained that this change would be to eliminate starting Board of Commissioners and recessing right away to go to Board of Corrections.

Commissioner Gomez moved, seconded by Commissioner McNear to change the start time of the regular Board of Commissioners Meetings from 4:00 p.m. to 4:10 p.m. starting with the first meeting in May, 2010.

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 Road Agreement with NE Nebraska Telephone Company to bury fiber-optic cable in public road right-of-way."

Mr. Fred Kellogg said that this is an agreement with the telephone company to put fiber optic cable and other cable in the road right-of-way.

There was discussion and then it was determined that the board would like to meet with representative/s from the telephone company to determine some responsibility issues and to put it on the next agenda.

Chair McLarty called for the agenda item "Core Wellness Program – discussion of Mercy Medical Center's wellness program with the County; Board may rescind prior action making the program mandatory."

Chair McLarty said that there is a problem because the Board made that program mandatory that everyone has to partake.

Ms. Watson, County Attorney, said that it does not comply with the American Disabilities Act.

Commissioner Bousquet moved, seconded by Commissioner McNear to make the Mercy Medical Center's Wellness Program voluntary rather than mandatory.

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 to purchase a van for the Veteran's Service Officer."

Commissioner Bousquet reported that he was working with Randy Walsh on this and Mr. Walsh was called away on a hospital call and suggested to put it on the next agenda.

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

Commissioner Rohde said that they had a Safety meeting today and reported that there was only one injury this quarter.

Commissioner Bousquet reported that they had a P & Z meeting and they discussed the penalty section and the process to go about implementing penalties if someone falls under those guidelines of being in violation.

Commissioner McNear reported that he missed the Keep Northeast Beautiful Meeting. Sally Reinert had attended and reported what her take on the meeting was.

Commissioner Bousquet reported that the LEC Board had a brief meeting and Mr. Foust reported that they were looking at starting the expansion project shortly.

Chair McLarty said that he was notified that the Chamber dinner would be April 29<sup>th</sup> at the Marina and the speaker is Tom Osborne. He also reported that Governors Day in Lincoln has been cancelled.

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

Chair McLarty called for the agenda item "Adjournment."

Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn at 5:34 p.m.

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



Dakota 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 5, 2010, 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, Gomez, Rohde, McNear 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 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 March 22, 2010 Board of Commissioners minutes.
- Recess to Board of Corrections

Tony Gomez – asking the Board for its approval to apply for Special Designated Liquor Licenses for 2010 Rodeos

Terry Eriksen - Northeast Nebraska Telephone Company County Road Agreement - request to lay Fiber Optic Cable and other telephone cable in the Road Right-of-way. Approve Agreement.

Present the Board with gravel bid Agreements  
Sign gravel bid Agreements

Purchase Van for Veteran's Service Officer

4:30 p.m. Public Hearing on Application for Community Development Block Grant Program. The Dakota County Board is requesting grant monies for reconstructing Atokad Drive from Stable Drive to Gateway Drive; Old Saw Mill Road from Hwy 77 entrance south to North Shore Drive and North Shore Drive from Old Saw Mill Road west 950 feet. Grant monies requested are \$350,000 with a County match of \$115,320 for a total project cost estimate of \$465,320.

Board to approve CDBG Application and authorize Chair to sign the grant application.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- Officials Reports.

Tabled Items: None

Commissioner's Committee Reports  
Commissioner's Member Reports  
Public Comment  
Mail and/or Emergency Business  
Adjournment

Chair McLarty called for the agenda item "Approve minutes of March 22, 2010."

Commissioner Rohde moved, seconded by Commissioner Gomez to approve the minutes of March 22, 2010, as typed and prepared for the Official Record.

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

Chair McLarty recessed their meeting at 4:02 p.m. to open the Board of Corrections Meeting. Chair McLarty reconvened the Board of Commissioners Meeting at 4:15 p.m.

Commissioner Gomez vacated his seat and stepped up to the podium.

Mr. Gomez asked the Board to approve a Special Designated Liquor License for events that he is having on the School Land that he is leasing from Nebraska Educational Land and Funds.

He requested the following dates and times be granted by the Board; Memorial Day May 30 from 2 p.m. to 11 p.m., June 20 from 2 p.m. to 10 p.m., July 11 from 2 p.m. to 10 p.m., Aug. 8 from 2 p.m. to 10 p.m., Labor Day Sept. 5 from 2 p.m. to 11 p.m. and the Mexico Independence Celebration Sept. 11 from 2 p.m. to 10 p.m.

Commissioner Rohde moved, seconded by Commissioner McNear to authorize and approve the Issuance of a Special Designated Liquor License for events held at the Old Crystal Lake on School Land that Tony Gomez is leasing from Nebraska Educational Land and Funds on the following dates; Memorial Day May 30 from 2 p.m. to 11 p.m., June 20 from 2 p.m. to 10 p.m., July 11 from 2 p.m. to 10 p.m., Aug. 8 from 2 p.m. to 10 p.m., Labor Day Sept. 5 from 2 p.m. to 11 p.m. and the Mexico Independence Celebration Sept. 11 from 2 p.m. to 10 p.m.

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

Chair McLarty called for the Agenda Item "Terry Eriksen - Northeast Nebraska Telephone Company County Road Agreement - request to lay Fiber Optic Cable and other telephone cable in Road Right-of-way. Approve Agreement."

Terry Eriksen with Northeast Nebraska Telephone Company stepped up to the podium and said that Northeast Nebraska Telephone Company would like to lay Fiber Optic Cable in the Road Right-Of-Way and this would be mostly in the Hubbard and Jackson areas.

Commissioner Rohde said that this was a standard agreement that the County agrees to with companies wanting to lay utilities in the Road Right-Of-Way.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the following County Road Agreement with Northeast Nebraska Telephone Company outlining the requirements for them to bury cable in County Road Right-of-Way and under the County Roads.

County Road Agreement

THIS AGREEMENT made and entered into this 5<sup>th</sup> day of April 5, 2010, by and between the County of Dakota Nebraska (herein referred to as "County"), and Northeast Nebraska Telephone Company (hereafter referred to as "Company").

WITNESSETH:

[SEE ATTACHED MAP](#)

WHEREAS, the Company is granted the right to operate and maintain communication facilities set forth in writing along, upon, across and under the public roads of this State pursuant to Nebraska Revised Statute Section 86-30 1, 1943 (Reissue 1987).

NOW, THEREFORE:

1. The Company shall bury the fiber-optic cable not less than 42" or not less than 36" for all copper cables below the surface of the public road and public right-of-way as set forth in the construction drawings attached hereto.
2. THE COMPANY SHALL BURY INDICATOR TAPE of warning color at a depth of 12" to 24" deep above the location of the fiber-optic cable at the time of construction across the surface of the public road and public right-of-way.
3. The Company shall establish and maintain said fiber-optic and copper cable along said public road and public right-of-way as set forth in the construction drawings attached hereto.
4. The Company shall furnish County with construction drawings which show the approximate location of the installation to be constructed by it under this agreement which drawings shall be incorporated and made a part hereof by reference.
5. The Company shall fill and pack any excavation work incident to the construction of said installation in such manner as to prevent washing and to maintain the same at all times in such manner as to avoid holes or excavations that may interfere with the use of said roadbed and the County's maintenance thereof.
6. The Company assumes full responsibility for the completion and continuous maintenance of said project in a workmanlike manner and to save the County harmless from any and all claims for damages or injuries caused by or resulting from such installation and usage and the continuous maintenance thereof.
7. The Company, as Owner of the property installed under this agreement, shall hold the County harmless from any damage to such installation by county construction or maintenance operations; PROVIDED the County complies with all notice provisions of Nebraska Revised Statutes and this agreement to the Company.
8. The County will give the Company sufficient notice of any proposed construction or maintenance work that is likely to affect the use of the property installed under this agreement so that the Company can arrange to protect the service and avoid damage.
9. If the installation of said property involves excavation, the Company shall mechanically compact the fill and restore the surface to its original condition.
10. The Company, during the period of construction, shall not unduly hinder the flow of traffic on said county road right-of-way.

IN WITNESS WHEREOF we have hereto set our hands this 5<sup>th</sup> day of April, 2010.

THE COUNTY OF DAKOTA  
NEBRASKA BY ITS BOARD OF  
COUNTY SUPERVISORS.  
by \S\ William I McLarty

By \_\_\_\_\_  
\_\_\_\_\_

GRANTEE

(If grantee is not also the Owner, then the owner must sign also.)

ATTEST:

\S\ Theodore A. Piepho

Northeast Nebraska Telephone Company  
Company Name

By \S\ Terry Eriksen  
Owner

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

Chair McLarty called for the Agenda Item "Present the Board with gravel bid Agreements."

Commissioner McNear moved, seconded by Commissioner Gomez to accept all gravel bids and to authorize the Chair to sign Gravel Bid Agreements with all vendors that submitted gravel bids in the March 22, 2010 meeting.

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

Chair McLarty called for the Agenda Item "Purchase Van for Veteran's Service Officer."

Randy Walsh informed the Board that he had several bids for a van. They ranged in price from \$13,000 to \$15,928 for a used one and \$18,247 for a new one.

The Board discussed paying for this and it was not budgeted, therefore, they decided to wait until next budget year to purchase a van for the Veteran's Service Officer.

Chair McLarty recessed their meeting at 4:27 p.m. to attend a Public Hearing on the Application for Community Development Block Grant Program. The Dakota County Board is requesting grant monies for reconstructing Atokad Drive from Stable Drive to Gateway Drive; Old Saw Mill Road from Hwy 77 entrance south to North Shore Drive and North Shore Drive from Old Saw Mill Road west 950 feet. Grant monies requested are \$350,000 with a County match of \$115,320 for a total project cost estimate of \$465,320.

Chair McLarty reconvened the County Board of Commissioners meeting at 4:30 p.m. in the County Court Room.

Chair McLarty said that the Board would be conducting a Public Hearing open to the Public, as the Dakota County Board is requesting grant monies for reconstructing Atokad Drive from Stable Drive to Gateway Drive; Old Saw Mill Road from Hwy 77 entrance south to North Shore Drive and North Shore Drive from Old Saw Mill Road west 950 feet. Grant monies requested are \$350,000 with a County match of \$115,320 for a total project cost estimate of \$465,320.

This is a Public Hearing to take testimony from the public whether they are for or against this. We will start off with taking testimony with those in favor of the project.

Chad Kehrt, County Highway Supt., explained what the project was.

He said that this project consists of three separate road ways. The reconstruction of Atokad Drive is between the entrance and US 77 north to Gateway Drive. The existing surface will be removed and replaced with an 8" concrete surface. There will be some earth shoulder reconstruction, sewer pipe installation and ditch re-grading.

The second portion is Old Saw Mill Road from US 77 entrance south to North Shore Drive. The present surface will be replaced with an asphalt road way, 24 feet wide, and there will be some shoulder construction.

Then North Shore Drive from Old Saw Mill Road 950' to the west. The existing surface will be removed and replaced with an asphalt pavement. There will be some storm pipe installation and some shoulder reconstruction.

The total project cost is \$456,320. Of that \$350,000 will be CDBG funds and \$115,320 will be County match.

Chair McLarty invited all those in favor of this project to come forward and address the Board.

Kenneth L. Williams residing at 1520 Atokad Drive, Lot 209 stepped forward and offered testimony.

He said that the thing that concerns him most is that there is only going to be concrete in one area of this project. He referred to the three point turn. He said that he has lived in the trailer court for ten years and he has seen the County come in and scratch the road, and put carpet coating down those roads. He said, in his eyes, the County is wasting his tax money to do it that way. That corner has heavy traffic 12 months out of the year, especially when they are having the truck sale at Atokad Downs. All heavy trucks come through there and turn on that corner. If you waist my tax money and just carpet coat it, it will be torn up in three months, just like it is now and if you carpet coat it, I have to vote against it.

There was no one else that wished to speak in favor of this project.

Chair McLarty invited anyone opposing this project to come forward and there was no one that came forward.

Chair McLarty invited anyone who had neutral comments to please step forward.

Karen Hanna residing at 486 N. Shore Drive came forward.

Ms. Hanna asked if only a portion of the Grant money was awarded, how it would be allocated.

Chair McLarty said that we will get all of it or we will not get any.

She submitted a written statement as follows:

Dakota County Commissioners  
SIMPCO

To Whom It May Concern:

My name is Karen Hanna. I live at 486 North Shore Drive, South Sioux City, NE. My home sits just to the east of the intersection of Lake Avenue and North Shore. I have lived in my home for over 30 years and I have seen the neighborhood through many changes.

When I moved into the home in the 70's, North Shore Drive was a gravel road. It still is. It used to be one of the access roads to Atokad Park when Atokad was a major racetrack. The homes on the road were primarily summer cottages because of Crystal Lake. Most have been remodeled into family homes and most homes are located on the south side of the road. Most of the homes garages are located within inches of the roads edge. With completion of Highway 77, traffic on the narrow gavel road diminished considerably, but over the years, as Tompkins has grown and new homes have been built in the area, traffic is increasing.

As is the nature of most gravel roads, the spring of the year is awful. Since the base of the road is mostly sand, it is my understanding that, maintaining a solid road bed is next to impossible. When the

snow melts or with a 4 or 5 inch rain, the road becomes one giant mud hole. In the summer, when there is no rain, it becomes a huge dust maker. So much gravel, etc. has been put on the road over the years that my yard is now lower than the road, which has caused me and my neighbors' major problems with drainage. I have spent countless dollars and hours trying to detour running water from my yard and my house. My driveway access has a large rise since it also sits below the road grade.

It is a neighborhood. Children ride their bikes, play ball, etc. on the road. Cars are parked in garages and when backed out, are directly on the road. This in itself creates a hazard.

What I would like is a nice road going past my house. One that is not higher than my yard and that has proper drainage so the yard around my home is not flooded with the winter snow melt or summer downpour. I would like to see an intersection developed at North Shore Drive and Lake Avenue, rather than a sweeping curve, in the hope that traffic would slow. If this action saved one child from being hurt, or one auto accident from happening, it would be worth a three way stop.

I appreciate your taking the time to listen and review the current environment around the North Shore Drive area and take into consideration suggestions and ideas from the homeowners.

Karen H. Hanna  
486 North Shore Drive  
South Sioux City, NE 68776  
\\S\ Karen H Hanna

Chair McLarty asked if there was anyone else that wished to address the Board with a neutral position.

Noel Thompson residing at 474 North Shore Drive stepped up to the podium.

He asked if the road will be at a grade so that water doesn't run into the houses and garages.

Chad Kehrt said that would be the intent. He said without going out there I don't know whether that can be done or not. Obviously if they are going to reconstruct it, they will not run water on properties and will have to address that somehow.

Mr. Williams asked in the mean time could they get some dust control out there. There was discussion on the application of dust control.

Dennis Reinert 729 200<sup>th</sup> Street approached the Board.

Mr. Reinert asked where the County was going to get the \$115,320 and how many inches of asphalt overlay is being put on.

Chad Kehrt said the concrete will be 8" and the asphalt will be 6".

Chair McLarty said that the budget calls for an inter-fund transfer which will go to the roads.

Mr. Reinert asked if that would affect the One and Six Year Plan and Mr. Kellogg said that these projects are on the one and six year plan.

Chair McLarty closed the Public Hearing at 4:45 p.m.

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the CDBG Application and authorize Chair to sign all documents necessary to apply for the CDBG Grant.

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".

Commissioner McNear moved, seconded by Commissioner Gomez to approve Payroll Claims filed and submitted by the County Clerk as follows:

COUNTY GENERAL FUND: Gross salaries- \$124,659.01, General Fund Employees Net Pay- \$88,919.76, Employer deductions paid: Retirement- 8,696.39, FICA- 7,568.11, Medicare- 1,769.96, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.05, Principal Mutual Life Insurance- 933.85.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 924.58, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 925.10, Margaret Rahn- 1254.42, Daniel Christoffers- 554.20, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1498.15, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 980.40, Jeremy Bermel- 1726.35, Anthony Bos- 1717.64, Sandy Dickens- 463.70, Brian Ellinger- 1721.89, Penny Epting- 1825.93, Michael Estes- 1358.84, Brent Gilster- 1755.89, Todd Hammer- 1758.96, Richard Hansen- 1380.40, Melvin Harrison III- 1700.85, Rodney Herron- 1830.92, Jason James- 1471.35, Kimberly Johnson- 428.49, Jared Junge- 2979.50, Michael Kreegar- 1685.84, Gayle Richards- 871.20, Kevin Rohde- 1774.72, James Wagner- 1634.45, Randall Walsh- 1863.92, Kerry Johnson- 926.40, Sara Meadows- 1730.77, Peter Parry- 1153.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1223.06, Ermelinda Ballesteros- 1326.60, Joshua Blatchford- 1326.60, Dusty Boyd- 1238.51, Rebecca Broer- 1371.42, Sandy Dickens- 809.69, Lisa Ford- 1294.62, Robert Foster- 1202.50, Linda Frost- 816.00, John Gilles- 1290.68, Alma Gunderson- 1306.80, Amber Hamman- 1188.00, Paula Harrigfeld- 607.37, Cathy Harsma- 1367.42, Deanna Haukap- 1226.78, Jackie Heaton- 1716.80, Jeffrey Heitzman- 1198.84, Adam Hough- 1215.62, Matthew James- 1206.15, Brett Johnson- 1234.73, Nicholas Kellen- 1346.40, Brenda Kelly- 1311.07, Terry Kern- 1923.08, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1226.78, Kimberly Peterson- 1206.15, Doyle Pilgrim- 783.36, Daniel Rodasky- 1226.78, Jutharatana Ruenprom- 1215.62, Stephanie



Ryan- 1298.55, Linda Schovanec- 1299.20, Francis Tope- 1212.00, Charvette Williams- 1302.49, Jewel Williams- 1241.65, Matthew Wise- 1202.50, Cara Wood- 1294.62, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 689.30, Shirley Voss- 538.38, Alan Boyd- 1049.88.

GENERAL FUND: Employee withholding paid to: Federal- 10,523.21, State- 4,192.96, FICA- 7,568.11, Medicare- 1,769.96, Retirement- 5,891.58, Health Plan- 450.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 380.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 653.44, Aflac Life/Dsbl- 234.87 and Flex Plan- 949.03.

COUNTY ROAD PAYROLL: Gross salaries- \$15,144.00, Road Employees Net Pay- \$10,651.22, Employer deductions paid: Retirement- 1,022.22, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 915.58, and Medicare- 214.13, Principal Mutual Life Insurance- 164.80.

Brent Byroad- 1316.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,136.25, State- 474.10, FICA- 915.58, Medicare- 214.13, Retirement- 681.48, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health- 190.40, 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- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Approve Accounts Payable Claims". Commissioner Rohde moved, seconded by Commissioner Bousquet to approve the Accounts Payable claims filed with the County Clerk and submitted by him for payment, as follows:

General Fund; Cable One- 339.92, FiberComm- 2,547.34, So Sioux City Area Chamber- 55.00.

Road Improvement Fund; Nebraska Department of Roads, Right-of-Way - \$2,000.

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

The Officials Reports will be presented at the next meeting.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports". Chair McLarty mentioned that there was a Jail Standard's Meeting in Kearney and he will be going to that. Since he is on the Jail Standard's Board there will be no expense to the County.

Chair McLarty called for the Agenda Item "Commissioner's Member Reports". Commissioner McLarty noted that he handed out budget update sheets, the NACO Legislative Report and that there are six days left in this legislative session.

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 called for the Agenda Item "Adjournment".

Commissioner Rohde moved, seconded by McNear to adjourn at 4:45 p.m.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Absent and Rohde-Yea. UNANIMOUS MOTION CARRIED. 4:45 p.m.



Dakota 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 19, 2010, 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, Gomez, Bousquet, McNear 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 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 April 5, 2010

Recess to open Board of Corrections Meeting

Budget Hearing - Open Public Hearing at 4:10 p.m. This Public Hearing is for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to amending the budget of the Dakota County Road Department by increasing the budget expenditures by \$352,500 and decreasing the cash reserve by \$100,000 and transfer by claim from general miscellaneous fund \$252,500 to allow claims submitted in April, May and June, 2010, to be paid.

Explanation of reason for public hearing

Testimony of support

Testimony of Opposition

Testimony of Neutral position

Close Hearing

Adopt Resolution 10C-008 authorizing monies from cash reserve and general miscellaneous fund be utilized for payment of over expended budget of Road Fund 300.

Chad Kehrt – Highway Supt. is requesting authorization to bid C Avenue Improvements and/or paving projects

County Board approval to authorize the bidding of C Avenue Improvements

Kyle Krumwiede – Ag. Society is requesting a Special Designated Liquor License for the dates of the County Fair July 22 through and including July 25, 2010.

Village of Jackson

The Village Board of Jackson is considering paving Monona Blvd. This street runs out beyond the town limits at which time it becomes the county's responsibility. This road has a lot of heavy equipment that uses it and travels into the town; i.e. farm equipment, trucks, etc. To maintain the road properly, Jackson's engineer is suggesting that it be paved with 8 inches versus 6 due to the rural heavy equipment usage. The cost for the additional thickness is estimated at \$45,000 and the Village Board of Jackson is asking the County to pay said costs.

Open bids to replace culvert on Lutton Avenue. Was advertised to be opened at 4:30 p.m.

Carol Larvick – Extension Educator

Appoint Extension Board Member

Update on recent Extension Activities

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- Officials Report
- Jail Tour

Tabled Items: No items on the table

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Commissioner Bousquet moved, seconded by Commissioner McNear to excuse Commissioner Rohde's absence.

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 April 5, 2010."

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the minutes of April 5, 2010, as typed and prepared for the Official Record.

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

Chair McLarty recessed their meeting at 4:02 p.m. to open the Board of Corrections Meeting.  
Chair McLarty reconvened the Board of Commissioners Meeting at 4:08 p.m.

Chair McLarty opened the Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to amending the budget of the Dakota County Road Department by increasing the budget expenditures by \$352,500 and decreasing the cash reserve by \$100,000 and transfer by claim from general miscellaneous fund \$252,500 to allow claims submitted in April, May and June, 2010, to be paid.

Chair McLarty asked if there was anyone in the audience that wished to offer testimony supporting to amend the budget of the Dakota County Road Department by increasing the budget expenditures by \$352,500 and decreasing the cash reserve by \$100,000.

Chair McLarty asked if there was anyone in the audience that wished to offer testimony in Opposition to amending the budget of the Dakota County Road Department by increasing the budget expenditures by \$352,500 and decreasing the cash reserve by \$100,000.

Chair McLarty asked if there was anyone in the audience that wished to offer testimony of a Neutral position to amend the budget of the Dakota County Road Department by increasing the budget expenditures by \$352,500 and decreasing the cash reserve by \$100,000.

Dennis Reinert asked if we had received the Emergency Money from FEMA and Chair McLarty said that we have not. He then asked when will the public have an answer to that question and Chair McLarty said as soon as it is received.

Chair McLarty closed the Public Hearing at 4:13 p.m.

Chair McLarty called for the agenda item "Adopt Resolution 10C-008 authorizing monies from cash reserve and general miscellaneous fund to be utilized for payment of over expended budget of Road Fund 300" and read said resolution.

Commissioner Bousquet moved, seconded by Commissioner McNear to adopt Resolution 10C-008, that the Dakota County Board of Commissioners hereby authorize the monies of the Road/Bridge Fund (0300) Cash Reserve and of the General Fund (0100) to be utilized for the payment of the over expended budget of the Road/Bridge Fund (0300) and that said budget be increased by \$352,500 from \$1,596,810.72 to \$1,949,310.72 for fiscal year 2009-2010.

BE IT FURTHER RESOLVED, that the Cash Reserve of the Road/Bridge Fund be reduced by \$100,000 from \$100,000 to \$0.00 for fiscal year 2009-2010.

BE IT FURTHER RESOLVED, that the General Fund transfer \$252,500 by claim to the Road Fund 0300 using unspent 0970 Miscellaneous monies; reducing said fund by \$252,500 from \$1,118,921.00 to \$866,421.00.

#### **RESOLUTION 10C-008**

WHEREAS, the office of Road/Bridge Fund 300 will exceed its budget with the payment of the submitted April, May and June, 2010, accounts payable and payroll claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, there is Cash Reserve in the Road/Bridge Fund 300; and the office of Miscellaneous in the General Fund 100 has un-appropriated monies left.

BE IT THEREFORE RESOLVED, that the Dakota County Board of Commissioners hereby authorize the monies of the Road/Bridge Fund (0300) Cash Reserve and of the General Fund (0100) to be utilized for the payment of the over expended budget of the Road/Bridge Fund (0300) and that said budget be increased by \$352,500 from \$1,596,810.72 to \$1,949,310.72 for fiscal year 2009-2010.

BE IT FURTHER RESOLVED, that the Cash Reserve of the Road/Bridge Fund be reduced by \$100,000 from \$100,000 to \$0.00 for fiscal year 2009-2010.

BE IT FURTHER RESOLVED, that the General Fund transfer \$252,500 by claim to the Road Fund 0300 using unspent 0970 Miscellaneous monies; reducing said fund by \$252,500 from \$1,118,921.00 to \$866,421.00.

Passed and adopted this 19th day of April, 2010.

\S\ William I. McLarty  
William I. McLarty, Chair  
Dakota County Board of Commissioners

ATTEST:

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

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

Chair McLarty called for the agenda item "Chad Kehrt – Highway Supt. is requesting authorization to bid C Avenue Improvements and/or paving projects - County Board approval to authorize the bidding of C Avenue Improvements".

Chad Kehrt stepped up to the podium and asked for authorization to bid C Avenue Improvements and/or paving projects and County Board approval to authorize the bidding of C Avenue Improvement's project. He said that this project is to pave C Avenue from 39<sup>th</sup> Street through the 48<sup>th</sup> Street intersection. That includes to the approaches to the bridge over the interstate; the roadway designed 28' wide with 4' aggregate shoulders on each side. It includes some pipes (culverts) under some drive ways; included erosion control with seeding after the project is completed. It included right-of-way purchase; it includes some fly ash for potential grade stabilization if needed. The ditches will drain south to north toward the interstate. The project cost is about \$589,600.

Mr. Kehrt said that they would like to advertise this for bids in the Dakota County Star April 29<sup>th</sup> and May 6<sup>th</sup>. The bids will be due May 14<sup>th</sup> and opened in the boards meeting of May 17<sup>th</sup>.

Commissioner Bousquet moved, seconded by Commissioner Gomez to advertise for bids on C Avenue. ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Absent. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Kyle Krumwiede – Ag. Society is requesting a Special Designated Liquor License for the dates of the County Fair July 22 through and including July 25, 2010."

Kyle Krumwiede stepped up to the podium and introduced himself as President of Dakota County Ag. Society and the Dakota-Thurston County Fair Board. Mr. Krumwiede asked for the Board's approval to grant a Special Designated Liquor License for the dates of the County Fair July 22 through and including July 25, 2010 for the Beer Garden that they have at the Rodeo. He said the 22<sup>nd</sup> is the Thursday that they are having the parade and free barbeque. The 23<sup>rd</sup> and 24<sup>th</sup> is for the rodeo and the 25<sup>th</sup> is the tractor pull.

Commissioner Gomez moved, seconded by Commissioner Bousquet to authorize and approve the Issuance of a Special Designated Liquor License to the Ag. Society for the County Fair: July 22, 23, 24 and 25<sup>th</sup>, 2010.

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

Chair McLarty called for the agenda item "Village of Jackson - The Village Board of Jackson is considering paving Monona Blvd. This street runs out beyond the town limits at which time it becomes the county's responsibility. This road has a lot of heavy equipment that uses it and travels into the town; i.e. farm equipment, trucks, etc. To maintain the road properly, Jackson's engineer is suggesting that it be paved with 8 inches versus 6 due to the rural heavy equipment usage. The cost for the additional thickness is estimated at \$45,000 and the Village Board of Jackson is asking the County to pay said costs."

Donna Hirsch, Village Clerk for Jackson Village, stepped up to the podium and introduced Carl Petersen and Dave Sherry, Jackson Village Board Members and said that the Village Board of Jackson is considering paving Monona Blvd. from Highway 20 out to the Village Limits, which is a good three blocks long. This street runs out beyond the town limits at which time it becomes the county's responsibility. This road has a lot of heavy equipment that uses it and travels into the town; i.e. farm equipment, trucks, etc. To maintain the road properly, Jackson's engineer is suggesting that it be paved with 8 inches versus 6" due to the rural heavy equipment usage. The cost for the additional thickness is estimated at \$45,276 and the Village Board of Jackson is asking if the County for financial support to pay for the additional two inches. She said that the Village also plans to pave from the Village Limits out to the drainage ditch bridge and that will cost about \$46,600 and the village would like the County to finance two (2) inches of thickness for that part of the project cost.

Donna said that the road is in dire need of repair. The road runs anywhere from 18 to 19 and one half feet wide. The estimates are to take it to 30 feet, which would have two 11 foot lanes and eight foot parking on each side, put in curb and gutters, which it does not have now. They put in storm sewer when they run water out to the ethanol plant. She said that they may have a little additional storm sewer.

The County Board discussed where they would get the money and if it was in the One and Six, or whether it needed to be on the one and Six. It was determined that the county would let the Village know after looking at next years budget.

Chair McLarty called for the agenda item "Open bids to replace culvert on Lutton Avenue. Was advertised to be opened at 4:30 p.m."

The County Clerk opened the two bids received. They were from Oban Construction, Inc. and David Criss Construction. Oban Construction's bid was \$29,752. and the expected completion date is June 15, 2010. David Criss's bid was \$36,050 with a completion date of July 14, 2010.

Commissioner Bousquet moved, seconded by Commissioner McNear to accept Oban Construction's bid of \$29,752 with a completion date of June 15, 2010.

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

Chair McLarty called for the agenda item "Carol Larvick – Extension Educator; Appoint Extension Board Member and Update on recent Extension Activities".

Carol Larvick stepped up to the podium and recommended that the Board appoint David Mixdorf to the Extension Board. She said that he was new to the community but that he has experience in fairs and is interested in 4H.

Commissioner Gomez moved, seconded by Commissioner Bousquet to appoint David Mixdorf to the Extension Board.

Ms. Larvick handed out some written materials named Selected Programming Highlights UNL Extension in Dakota County Spring 2010, Update that explained what the Extension is doing.

Chair McLarty called for the agenda item "Approve Payroll Claims".

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the Payroll Claims filed with the County Clerk and submitted by him for payment, as follows:

COUNTY GENERAL FUND: Gross salaries- \$128,691.86, General Fund Employees Net Pay- \$91,252.41, Employer deductions paid: Retirement- 8,966.77, FICA- 7,818.11, Medicare- 1,828.45, DC

Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.10, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 948.44, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 925.10, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1103.95, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1695.89, Anthony Bos- 2130.92, Sandy Dickens- 463.70, Brian Ellinger- 1772.42, Penny Epting- 1715.86, Michael Estes- 1324.22, Brent Gilster- 1996.05, Todd Hammer- 1708.56, Richard Hansen- 1410.85, Melvin Harrison III- 2061.09, Rodney Herron- 1830.92, Jason James- 1568.93, Kimberly Johnson- 92.58, Jared Junge- 1715.20, Michael Kreegar- 1610.81, Gayle Richards- 871.20, Kevin Rohde- 1955.74, James Wagner- 1634.45, Randall Walsh- 1874.27, Kerry Johnson- 926.40, Sara Meadows- 2576.09, Peter Parry- 1153.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1223.06, Ermelinda Ballesteros- 1544.40, Joshua Blatchford- 1290.96, Dusty Boyd- 1304.81, Rebecca Broer- 1351.37, Sandy Dickens- 811.49, Lisa Ford- 1298.55, Robert Foster- 1202.50, Linda Frost- 816.00, John Gilles- 2595.84, Alma Gunderson- 1306.80, Amber Hamman- 1311.75, Paula Harrigfeld- 567.49, Cathy Harsma- 1294.62, Deanna Haukap- 1238.51, Jackie Heaton- 1678.97, Jeffrey Heitzman- 1597.24, Adam Hough- 1223.06, Matthew James- 1950.83, Brett Johnson- 1270.75, Nicholas Kellen- 1346.40, Brenda Kelly- 1299.11, Terry Kern- 1923.08, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1226.78, Kimberly Peterson- 1206.15, Doyle Pilgrim- 979.20, Daniel Rodasky- 1211.91, Jutharatana Ruenprom- 1397.82, Stephanie Ryan- 1353.64, Linda Schovanec- 1299.20, Francis Tope- 1212.00, Charvette Williams- 1489.40, Jewel Williams- 1245.36, Matthew Wise- 1191.53, Cara Wood- 1298.55, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 661.05, Shirley Voss- 1067.63, Alan Boyd- 1049.88. GENERAL FUND: Employee withholding paid to: Federal- 11,548.65, State- 4,531.16, FICA- 7,818.11, Medicare- 1,828.45, Retirement- 6,071.21, Health Plan- 450.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 380.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 653.48, Aflac Life/Dsbl- 234.90 and Flex Plan- 949.03.

**COUNTY ROAD PAYROLL:** Gross salaries- \$15,144.00, Road Employees Net Pay- \$10,651.22, Employer deductions paid: Retirement- 1,022.22, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 915.58, and Medicare- 214.13, Principal Mutual Life Insurance-

Brent Byroad- 1316.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,136.25, State- 474.10, FICA- 915.58, Medicare- 214.13, Retirement- 681.48, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, 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, and McLarty- Yea. UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Approve Accounts Payable Claims."

Commissioner Gomez moved, seconded by Commissioner McNear to approve accounts payable claims filed with the County Clerk and submitted by him for payment as follows:

**GENERAL FUND:** Kerry Bligh, animal control- 50.00; City of South Sioux City, fuel- 4506.32; Dakota County Sheriff, supplies/certification- 246.83; Dakota County Treasurer, titles- 30.00; Dakota Food & Fuel, fuel- 663.39; Electronic Engineering, supplies- 177.16; Fremont Tire, service/supplies- 800.48; Harolds, developing- 116.40; Jacks Uniforms, supplies- 243.34; Joes Dept Store, supplies- 167.09; Knoepfler Chevrolet, repair- 751.19; Moore Wallace, permits- 32.00; RACOM, t1- 707.40; Ray Allen Manufacturing, supplies- 164.25; Siouxland Federal Credit Union, meals/supplies/fuel- 374.69; Verizon, phone- 265.60; Walmart, food- 21.98; Woodhouse Ford, payment- 150.00; All World Translation, interpret- 110.00; Cartridge World, ink- 51.98; Colfax County Sheriff, witness fee- 18.50; Dept of Motor Vehicles, transcripts- 8.00; H2O4U, water- 34.00; Pathology Medical, autopsy- 2165.46; Perkins, supplies- 72.50; Quill, supplies- 128.45; Qwest, fee- 150.00; Staples, supplies- 728.43; Verizon, phone- 130.51; Kim Watson, supplies/seminar- 196.99; City of South Sioux City, lec share- 30617.96; BI Inc, monitoring- 825.88; Redwood Toxicology, labs- 50.00; Verizon, phone- 136.79; Ace Refrigeration, table- 81.75; Amsan, supplies- 1363.59; Aramark, service- 54.18; Associated Fire Protection, repairs- 4609.00; BI Inc, arrest- 323.95; Bob Barker, supplies- 500.38; CBM Food Service, meals- 20582.52; City of Dakota City, utilities- 960.83; Fernando Claren, interpret- 40.00; Cummins Central Power, maintenance- 1038.96; Dakota Business Systems, contract- 281.00; Dakota Family Dentistry, medical- 173.00; Dakota Food & Fuel, fuel- 201.83; Dept of Correctional Serv, safekeepers- 2562.44; Sandy Dickens, mileage- 106.00; Electronic Engineering, supplies- 2152.50; Gill Hauling, service- 120.00; Amber Hamman, mileage- 38.80; Jackie Heaton, mileage- 74.95; High Tech Electric, service- 61.00; Jacks Uniforms, supplies- 179.90; Jackson Glass, supplies- 590.00; Joes Dept Store, supplies- 251.80; Kleen Solutions, supplies- 219.85; Menards, supplies- 79.97; Mercy Business Health, medical- 1828.00; Mercy Medical Center, medical- 874.05; MidAmerican, utilities- 1310.50; Midwest Office Automations, copies- 361.67; Moore Medical, supplies- 594.42; NE Nebr Juvenile Serv, boarding- 4068.75; Nebraska Public Power Dist, utilities- 2072.36; Net Sys Plus, repair- 40.00; NW Iowa Emerg Phys, medical- 748.00; Oral Surgery Assoc, medical- 710.00; Overhead Door Company, repair- 88.50; Sams Club, supplies- 227.18; Signs By Tommorrow, signs- 82.00; Siouxland Federal Credit Union, meds/meals- 175.21; Siouxland Radiology Partners, medical- 46.00; Speedy Rooter, repair- 68.00; Stanard & Associates, tests- 724.00; Staples, supplies- 97.91; Trembly Pest Control, service- 35.00; TriState Communications, radios- 947.94; Verizon, phone- 198.61; Walmart, supplies/prescriptions- 2866.25; Woodbury Co Juv Det, boarding- 2800.00; Dodge County Clerk, billing- 12667.80; Olsson Associates,

services- 2548.00; Staples, supplies- 23.95; Verizon, phone- 33.50; Alpha Land Surveying, survey- 1850.00; CLIA Laboratory, lab- 150.00; Pam Devries, mileage- 439.00; Pat Glover, clinic- 185.00; Sanofi Pasteur, medical- 223.21; Perkins, supplies- 28.19; Roxanne Voss, mileage- 61.00; Dr Thomas Wente, consulting physician- 250.00; Deanna Beckman, hours- 1230.00; Sharon Erickson, clinics- 640.00; HyVee, food- 156.90; Perkins, supplies- 110.02; Alan Boyd, mileage- 428.50; Electronic Engineering, pager- 13.95; Dakota County Treasurer, taxes- 7800.00; Business Telecom Systems, service- 80.00; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Hasler Financial Services, lease payment- 227.00; IBM Corp, maintenance- 218.58; Mips, support- 407.84; Net Sys Plus, computer work- 123.00; Region IV Inc, services- 5320.25; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fee- 80.00; Road Fund, budget transfer- 277500.00; Road Improvement Fund, budget transfer- 40000.00; Weed Fund, budget transfer- 300.00; Dakota County Star, publishing- 465.02; Perkins, supplies- 1.74; Capital One Visa, supplies- 225.29; Net Sys Plus, work- 100.00; Theodore Piepho, phone- 20.00; Staples, supplies- 365.45; AJ Phillips, envelopes- 245.00; Des Moines Stamp, supplies- 92.80; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 120.00; Ruth Jensen, prior yrs- 12.00; Nebr Association of Co Treasurers, dues- 75.00; Net Sys Plus, repair- 512.01; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 13.98; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 240.00; Perkins, supplies- 52.31; Dakota County Star, publishing- 1228.50; Des Moines Stamp, stamps- 137.90; Election Systems & Software, coding- 944.75; Horizons Unlimited, stickers- 108.00; Perkins, supplies- 300.34; Print Elect, supplies- 309.89; Todds Storeall, storage- 80.00; Gene Cantrell, mileage/meeting- 44.00; Dakota Business Systems, contract- 102.00; Dakota County Star, publishing- 25.08; Jolene Gubbels, minutes- 45.00; Jim Jepsen, mileage/meeting- 16.00; Tom Lynch, mileage/meeting- 38.00; Arnie Mellick, phone- 30.00; Marlan Millard, mileage/meeting- 55.50; Harold Moes, mileage/meeting- 66.00; Nebraska Planning & Zoning, conference- 140.00; Andy Olson, mileage/meeting- 56.00; Joe O'Neill, mileage/meeting- 37.00; Martin Rohde, mileage/meeting- 46.00; IA-NE State Bank, checks- 180.68; Perkins, supplies- 470.34; AS Central Services, supplies- 18.90; Dakota Business Systems, lease- 99.00; Data Source, toner- 151.62; Valerie Danielson, fee reimburse- 20.00; Microfilm Imaging, scanning- 100.50; Office Elements, supplies- 25.96; William Binkard, reimburse- 409.08; John Loos Jr, transcript- 45.50; Perkins, supplies- 88.61; Thomson West, subscription- 873.93; Tiffany Berndt, witness fee- 30.00; Matthew Connealy, court appointed counsel- 797.40; Dakota County Court, costs- 1844.80; Kueny & Begley, court appointed counsel- 126.00; Stuart Mills, court appointed counsel- 900.00; Douglas Roehrich, court appointed counsel- 876.00; James Santee, witness fee- 20.00; Richard Thramer, court appointed counsel- 577.76; Patrick Tott, court appointed counsel- 684.00; Cindy Weber-Blair, court appointed counsel- 1590.00; Dakota County Sheriff, papers/warrants- 610.80; AJ Phillips, supplies- 315.00; Matthew Connealy, court appointed counsel- 592.50; District Court, claim list- 516.00; Dakota County Sheriff, service- 16.60; Executive Technologies, toner- 199.00; HyVee, jury food- 103.66; Mips, conversion- 85.00; Norfolk Printing, case binders- 503.85; Douglas Roehrich, court appointed counsel- 420.00; Michael Schmiedt, court appointed counsel- 60.00; Richard Thramer, court appointed counsel- 1140.65; Patrick Tott, court appointed counsel- 697.50; Bomgaars, repair supplies- 62.00; Bunkers Feed & Supply, salt- 64.03; Circle S South, supplies- 52.00; City of Dakota City, utilities- 661.76; Cummins Central Power, supplies/agreement- 3118.42; Gill Hauling, service- 120.00; G&R Controls, computer program- 855.25; Menards, supplies- 615.95; Net Sys Plus, supplies- 420.00; Nebr Public Power Dist, utilities- 1544.12; MidAmerican, utilities- 1462.00; Richard Jensen, mileage- 153.95; Share Corp, supplies- 340.66; Trembly Pest Control, service- 50.00; Verizon, phone- 54.51; Hardware Hank, repair supplies- 7.82; PMNRD, rent- 833.33; UNL Extension, reimburse- 2049.65;

**ROAD FUND:** Advance Auto, supplies- 21.48; Aramark, service- 449.53; Autosound Solutions, equipment- 75.00; AZ Inc, fuel- 157.00; Bomgaars, supplies- 161.10; Dakota County Star, bids- 23.15; Echo Group, supplies- 102.53; Filter Care of NE, service- 43.50; Frame Aligners, parts/labor- 772.47; Gill Hauling, service- 55.00; Grainger, supplies- 123.32; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 3957.93; Hydraulic Sales & Svc, parts- 37.42; H2O4U, water- 8.50; Sioux City Iron, supplies- 141.09; J & J Pronto, fuel- 453.88; Jim Hawk Truck Trailers, parts- 33.11; Joes Dept Store, parts/chains- 337.29; Kinetic Leasing, loader payment- 2458.00; LG Everist, gravel- 37710.65; Linweld, oxy- 301.89; Marx Truck Trailer, parts- 133.01; Medical Enterprises, testing- 64.80; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts/supplies- 240.68; NAPA, parts/supplies- 206.46; Nebr Public Power Dist, service- 89.88; NE Nebr Public Power Dist, utilities- 273.87; NE Nebr Telephone, service- 177.42; Pomps, tires- 4259.00; Powerplan, parts/supplies- 367.06; RC Customs, parts/labor- 886.65; Rees Mack Sales, supplies/parts- 113.54; Sapp Bros Petroleum, propane- 1434.63; Sioux City Ford, parts- 279.88; St Lukes Center for Occupational Health, testing- 70.00; Stephan Welding, supplies- 201.25; Verizon, phone- 52.01; Warren Oil, fuel- 9750.24; Woodhouse Ford, payment- 50.00; Zieglers, parts/supplies- 203.83;

**ROAD IMPROVEMENT:** City of South Sioux City, principle/interest- 29777.83; Olsson Associates, engineering- 9490.00;

**VISITORS PROMOTION:** South Sioux City Chamber, lodging tax- 8324.72;

**POOR RELIEF:** Becker-Hunt Funeral Home, burial- 1050.00; Nebr Dept of HHS, admin cost- 9.50;

**VETERANS AID:** Veterans Service Office, relief- 1500.00; M Architects, design- 8125.00;

**PUBLIC SAFETY:** City of South Sioux City, sls tax- 3024.26; Jail Bond Fund, sls tax- 22177.93;

**WEED FUND:** Heritage Express, fuel- 73.14; Hubbard Minimart, fuel- 99.31; J & J Pronto, fuel- 154.01; Nebraska Loess Hills, weed- 100.00; Leon Pies, meals/fuel- 41.16; Quality Inn, lodging- 160.14;

**E911:** City of South Sioux City, 911 monies- 16527.39;

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

Chair McLarty called for the agenda item "Officials Report."

The County Clerk handed out the Officials Reports; Register of Deeds Office for the month of March, 2010, County Clerk's Reports for March, 2010 Office Fees, Interest earned from 4<sup>th</sup> Quarter Oct. 2009 to Dec. 2009 and the First Quarter Jan. 2010 to March 2010, Clerk of the District Court's March, 2010

Report, Director of Corrections First Quarter Report for Jan. 2010 to March 2010 and the County Sheriff's First Quarter Report Jan 2010 to March 2010.

Commissioner McNear moved, seconded by Commissioner Bousquet to acknowledge receipt of and approve the Officials Reports of the Register of Deeds Office for the month of March, 2010, County Clerk's Reports for March, 2010 Office Fees, Interest earned from 4<sup>th</sup> Quarter Oct. 2009 to Dec. 2009 and the First Quarter Jan. 2010 to March 2010, Clerk of the District Court's March, 2010 Report, Director of Corrections First Quarter Report for Jan. 2010 to March 2010 and the County Sheriff's First Quarter Report Jan 2010 to March 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 "Commissioner's Committee Reports". Commissioner Bousquet said that they were moving on the LEC Building.

Chair McLarty mentioned that there was a Jail Standard's Meeting in Kearney and he will be going to that. Since he is on the Jail Standard's Board there will be no expense to the County.

Chair McLarty called for the Agenda Item "Commissioner's Member Reports". Commissioner McLarty noted that he handed out budget update sheets, the NACO Legislative Report and that there are six days left in this legislative session.

Chair McLarty called for the Agenda Item "Public Comment" and there was none. Chair McLarty called for the agenda item "Jail Tour." Commissioners McLarty, Bousquet and McNear departed the room to tour the old jail at 4:39 p.m.

Terry Kern noted that the roof was not leaking any longer.

Chair McLarty called for the Agenda Item "Adjournment". Commissioner Bousquet moved, seconded by McNear to adjourn from the old jail at 5:02 p.m. ROLL CALL VOTE: McNear- Yea, Gomez- Absent, McLarty- Yea, Bousquet- Yea and Rohde- Absent. UNANIMOUS MOTION CARRIED. 5:02 p.m.



Dakota 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 3, 2010, Regular Meeting  
Dakota County Courthouse  
County Board Lower Level Meeting Room  
Dakota City NE 68731

Chair McLarty called the meeting to order at 4:10 p.m. and informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Rohde, Gomez and McNear. Absent: none. Joan Spencer, Administrative Assistant to the Board acted as secretary.

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 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/s

Pat Foust - Seeking Commission approval for an expenditure over \$5,000 for a used vehicle. It has already been approved by the LEC Board.

Chris Gill – maintenance of County Road L and M Avenue north of Jackson Nebraska

- The County Board will discuss County Roads and may or may not take action concerning these or any other County Roads

Privatization of Road Department - The County Board will discuss the feasibility of contracting out the maintenance of County Roads; both hard surface and gravel, Road Signs, Culvert Replacement and repair, Bridge Repair and all other functions of the Road Department.

Energy Grant - Open Bids proposals for an HVAC Upgrade for Dakota County Courthouse: Was advertised to be opened at 4:30 p.m.

- Refer bids to Committee and/or Award Bid
  - The County Board may elect to recess from this meeting to another time to consider and/or to award bid.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims

Tabled Items: No tabled items to consider

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Commissioner Gomez moved, seconded by Commissioner McNear, to approve the minutes of April 19, 2010, as typed and prepared for the Official Record.

Roll Call Vote: Bousquet- yea, Rohde- yea, McNear- Yea, Gomez- yea, McLarty-yea. Motion Carried.

Chair McLarty noted that Pat Foust was unable to attend today's meeting and agenda item will be postponed to the next meeting.

Chris Gill addressed the Board concerning the county roads. She said she has found in contacting other county residents that poor roads are a county-wide problem. Ms. Gill would like to meet with the Road Committee to become better informed on what needs the Road Department addresses and how the budget is set. The Road Committee will set up a meeting with Ms. Gill.

Chair McLarty called for agenda item Privatization of Road Department. Commissioner Bousquet thought the Road Department was stretched to where they could not get to all the roads and he thought maybe it should be out there for bid, privatized and road work would get done—or maybe done for just a portion of the county roads. A state-wide survey was done to see what other Nebraska counties are doing, but have received a response from only about 50% of the counties. Commissioner Rohde stated it might seem more efficient for the first couple of years, but thought it would then get more expensive. He also stated that if we would get rid of all of our men and equipment, we would have a long struggle to get it back to a county operation again. Commissioner Rohde thought the County could look at doing it on a limited basis, such as contracting the re-building of portions of the roads, enabling county employees to stay current with the maintaining of their roads. Commissioner Bousquet made comment that the farm equipment using the roads has increased in size and weight and the county needs to address and stay current with these changes. Commissioners McNear and Gomez commented on roads they had driven on to check out road complaints. Commissioner Gomez said he has been approached by people willing to do contract road work for the county and a close look at the budget and our options should be taken. Chair McLarty commented that contracting out work has been successful for the South Sioux City Community School District on busing their students. He said we need to think about contract wording, owning or not owning the equipment and how this would benefit the county and if it was be a cost savings. He also thought we should look at using sales tax for financing road improvements.



Public comment on the privatization of roads: Sally Reinert suggested hiring an Engineering firm for recommendations and putting together a road plan. Dennis Reinert commented that we need to address larger projects/more miles than just our One & Six Year Road Plan projects if we contract out our road work.

Paul Martin, M+ Architects, the firm the county hired to put together the bid package for the Energy Grant HVAC upgrade for the courthouse, opened and read the bids at 4:30 p.m. The bids were as follows: (1) C.W. Suter - \$113,927 (bid bond included), (2) Hooper Heating and Cooling - \$176,000 (bid bond included), (3) Farrells Heating & Air Conditioning - \$115,800 (cashier check/bid bond), (4) A-Team Heating & Cooling - \$97,378 (cashier check/bid bond) and (5) Baete Forseth HVAC - \$95,000 (bid bond included).

Commissioner Bousquet moved, seconded by Commissioner McNear, to refer the bids to the Property Committee to review and bring recommendation to the Board in two weeks.

Roll Call Vote: Rohde- yea, McNear- yea, Gomez- yea, McLarty- yea, Bousquet- yea. Motion Carried.

Commissioner Gomez moved, seconded by Commissioner Rohde, to approve the payroll claims as presented.

COUNTY GENERAL FUND: Gross salaries- \$126,849.10, General Fund Employees Net Pay- \$89,821.26, Employer deductions paid: Retirement- 8,846.17, FICA- 7,706.14, Medicare- 1,802.22, DC Health Plan- 27,000.00, DC Dental Plan- 977.40 and Life Insurance- 194.05, Principal Mutual Life Insurance- 1,258.56, NACO- 60.00, Kearney workshop.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 918.61, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Marisol Curiel- 934.44, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 944.24, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1881.24, Anthony Bos- 1616.84, Sandy Dickens- 463.70, Brian Ellinger- 2399.04, Penny Epting- 2181.17, Michael Estes- 1462.70, Brent Gilster- 1961.02, Todd Hammer- 1829.52, Richard Hansen- 1524.53, Melvin Harrison III- 1700.85, Rodney Herron- 1830.92, Jason James- 1550.58, Kimberly Johnson- 158.70, Jared Junge- 1690.81, Michael Kreegar- 1660.84, Gayle Richards- 871.20, Kevin Rohde- 1767.17, James Wagner- 1634.45, Randall Walsh- 1687.87, Kerry Johnson- 926.40, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1010.32, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1858.88, Ermelinda Ballesteros- 1326.60, Joshua Blatchford- 1673.10, Dusty Boyd- 12449.88, Rebecca Broer- 1371.42, Sandy Dickens- 825.99, Lisa Ford- 1294.62, Robert Foster- 1206.15, Linda Frost- 813.45, Alma Gunderson- 1302.84, Amber Hamman- 1443.75, Paula Harrigfeld- 607.37, Cathy Harsma- 1298.55, Deanna Haukap- 1246.09, Jackie Heaton- 1565.48, Jeffrey Heitzman- 1206.15, Adam Hough- 1230.49, Brett Johnson- 1278.57, Nicholas Kellen- 1690.92, Brenda Kelly- 1303.10, Terry Kern- 1923.08, Keith Klein- 1206.15, Mark Nelson- 1365.38, Travis Olander- 1092.95, Kimberly Peterson- 1206.15, Doyle Pilgrim- 881.28, Daniel Rodasky- 1249.88, Jutharatana Ruenprom- 1104.10, Stephanie Ryan- 1950.50, Linda Schovanec- 1299.20, Francis Tope- 1249.88, Charvette Williams- 1294.62, Jewel Williams- 1237.93, Matthew Wise- 1195.19, Cara Wood- 1896.67, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Shirley Voss- 1131.50, Alan Boyd- 2226.48.

GENERAL FUND: Employee withholding paid to: Federal- 11,447.19, State- 4,490.60, FICA- 7,706.14, Medicare- 1,802.22, Retirement- 5,992.04, Health Plan- 450.00, DC Dental Plan- 504.00, Colonial Health- 16.20, Sheriff Union Dues- 365.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 637.29, Aflac Life/Dsbl- 234.87 and Flex Plan Medical- 719.70, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,016.00, Road Employees Net Pay- \$10,556.99, Employer deductions paid: Retirement- 1,013.58, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 907.64, and Medicare- 212.27, Principal Mutual Life Insurance- 225.59.

Brent Byroad- 1316.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1152.00.

ROAD FUND: Employee withholding paid to: Federal- 1,124.03, State- 468.11, FICA- 907.64, Medicare- 212.27, Retirement- 675.72, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 60.00 and Union Dues- 140.00.

Roll Call Vote: McNear- yea, Gomez- yea, McLarty- yea, Bousquet- yea, Rohde- yea. Motion Carried.

Chair McLarty asked if there were any committee reports. Commissioner Bousquet stated that everything was fine during the Jail Tour and progress on the LEC addition is progressing as planned.

Chair McLarty read the following letter from Alan Boyd, Veterans Service Officer:

April 20, 2010

To: Dakota County Board of Commissioners  
Dakota County Veterans Committee

I hereby submit my resignation as the Dakota County Veterans Service Officer effective May 1, 2010. I will always have great pride in serving our veterans and our county in this capacity.

I thank you for the support and wish you all the very best.

Sincerely,  
Alan A. Boyd

Chair McLarty stated that the Veterans Service Committee is working on a replacement which will come before the Board at later date.

Commissioner Bousquet informed the Board that Commissioner Gomez was honored at the South Sioux City Chamber banquet with their Leadership Award.

Public Comment: None

Commissioner Rohde motioned, seconded by Commissioner McNear to adjourn the meeting.  
Roll Call Vote: Gomez- yea, McLarty- yea, Bousquet- yea, Rohde- yea, McNear- yea. Motion Carried at 4:41 p.m.



Dakota 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 17, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Gomez, Bousquet, McNear, Rohde 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 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

Rozy Warder - A social worker was contracted for the past 3 years with funding from a Safe Schools Healthy Students grant. The social worker engaged in diverse activities including (but not limited to) one on one therapy, working with families on social, emotional, or academic concerns, assisting families with paperwork to secure insurance or other funding to access community mental health services, addressing obstacles to learning with root causes other than academic. The position needs sustainability funding as the grant dollars will no longer be available. The position impacts the juvenile justice system, the number of civil commitments, the out of home placements, and number of adjudicated youth. The purpose of the request to be placed on the agenda is to ask the County Commissioners to consider the continuation of the contract with county funds as a prevention strategy for the youth in the school system. The current contract is with Boys and Girls Homes and Family Services for \$55,000

- Commissioner to consider funding a contract for a social worker to serve the school age youth in the South Sioux City Community Schools beginning with the 2010-2011 school year.

Chad Kehrt – Highway Supt

- Open bids for the C Avenue Paving Improvements Project – These bids were advertised to be opened at 4:30 p.m.
- Award Bid for the C Avenue Paving Improvements Project.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- Board Members to sign Amendment to Section 518 of the Planning and Zoning Regulations passed 12-28-2009.
- Motion to approve and Chair to complete Proclamation of Recommitment to Full Implementation of the Americans Disabilities Act.
- Award bid for HVAC Upgrade project for the Energy Efficiency and Conservation Block Grant funding received. Property Committee to make recommendation.
- Alan Boyd, Veteran's Service Officer – Board to accept resignation.
- Authorization for use of private contractors for road repairs.
- Change appointment of Commissioner on Budget Committee

Tabled Items: No tabled items

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Rozy Warder had requested rescheduling her issue for the next meeting because she was ill today.

Board Members to sign Amendment to Section 518 of the Planning and Zoning Regulations passed 12-28-2009 was cancelled because the Planning and Zoning Office had signed and the County Attorney said that it would not be proper to sign as of this date.

Chair McLarty called for the agenda item "Approve minutes of May 3, 2010."

Commissioner Rohde moved, seconded by Commissioner McNear to approve the minutes of May 3, 2010, 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 "Approve Payroll Claims" and said that there were no discrepancies.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the payroll claims as follows:

COUNTY GENERAL FUND: Gross salaries- \$124,670.14, General Fund Employees Net Pay-\$88,297.04, Employer deductions paid: Retirement- 8,698.35, FICA- 7,571.06, Medicare- 1,770.63, DC Health Plan- 27,000.00, DC Dental Plan- 977.40 and Life Insurance- 194.10, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 758.20, Tracey Corkin- 858.96, Bobbi Jo Harsma- 1314.89, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40,

Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 930.40, Phyllis Ridge- 905.96, Margaret Rahn- 1254.42, Daniel Christoffers- 804.10, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1706.04, Anthony Bos- 1793.24, Sandy Dickens- 463.70, Brian Ellinger- 1974.56, Penny Epting- 1725.87, Michael Estes- 1471.35, Brent Gilster- 1875.97, Todd Hammer- 1922.76, Richard Hansen- 1542.80, Melvin Harrison III- 1951.02, Rodney Herron- 1830.92, Jason James- 1568.93, Kimberly Johnson- 116.38, Jared Junge- 1705.04, Michael Kreegar- 1605.80, Gary Powell- 96.00, Gayle Richards- 871.20, Kevin Rohde- 1837.58, James Wagner- 1634.45, Randall Walsh- 2164.21, Kerry Johnson- 926.40, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 2003.90, Ermelinda Ballesteros- 1441.44, Joshua Blatchford- 1366.20, Dusty Boyd- 1564.31, Rebecca Broer- 1375.43, Sandy Dickens- 842.30, Lisa Ford- 1294.62, Robert Foster- 1195.19, Linda Frost- 816.00, Alma Gunderson- 1314.72, Amber Hamman- 1407.85, Paula Harrigfeld- 607.37, Cathy Harsma- 1385.13, Deanna Haukap- 1234.73, Jackie Heaton- 1465.16, Jeffrey Heitzman- 1292.05, Adam Hough- 1403.39, Brett Johnson- 1274.66, Nicholas Kellen- 1415.70, Brenda Kelly- 1378.81, Terry Kern- 1923.08, Keith Klein- 1374.29, Mark Nelson- 1365.38, Travis Olander- 1208.19, Kimberly Peterson- 1206.15, Doyle Pilgrim- 890.46, Daniel Rodasky- 1249.88, Jutharatana Ruenprom- 1319.73, Linda Schovanec- 1299.20, Francis Tope- 1212.00, Charvette Williams- 2019.44, Jewel Williams- 1451.73, Matthew Wise- 1202.50, Cara Wood- 1481.53, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 727.16, Shirley Voss- 1140.63.

GENERAL FUND: Employee withholding paid to: Federal- 11,143.41, State- 4,318.61, FICA- 7,571.06, Medicare- 1,770.63, Retirement- 5,893.26, Health Plan- 450.00, DC Dental Plan- 504.00, Colonial Health- 16.20, Sheriff Union Dues- 365.00, Deferred Comp- 607.00, Garnishments- 1,826.26, Aflac Health- 637.33, Aflac Life/Dsbl- 234.90 and Flex Plan Medical- 719.70, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$16,546.63, Road Employees Net Pay- \$11,581.92, Employer deductions paid: Retirement- 1,116.90, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 1,002.55, and Medicare- 234.46, Principal Mutual Life Insurance-

Brent Byroad- 1747.90, Robert Hacker- 1611.02, Ronald Harder- 1500.72, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1503.34, Leon Pies- 712.00, Kip Reinbold- 1395.65, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,353.12, State- 558.73, FICA- 1,002.55, Medicare- 234.46, Retirement- 744.60, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 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 called for the Agenda Item "Approve Accounts Payable Claims" and said that he found them to be ok except for gratuity, which had been scratched off.

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

GENERAL FUND: Dakota Business Systems, copier rental- 102.00; Midwest Office Automations, supplies- 49.12; Olsson Associates, services- 682.50; Staples, supplies- 19.99; Verizon, phone- 33.78; Pam Devries, mileage- 234.00; Pat Glover, clinic hours- 190.00; Hopkins, medical supplies- 183.90; Roxanne Voss, mileage- 74.50; Dr Thomas Wente, physician- 250.00; Alltel, phone- 200.00; Deanna Beckman, hours- 1215.00; Perkins, supplies- 368.37; Alan Boyd, mileage- 328.00; Perkins, toner- 110.40; Thomson West, service- 664.43; CableOne, internet- 169.96; City of South Sioux City, library- 40000.00; Fibercomm, phone- 1117.81; FSH Comm, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Hasler, postage machine- 227.00; Jared Junge, reimburse- 19.50; MIPS, support- 407.84; Norm Waitt YMCA, membership dues- 136.50; Three Rivers Benefit, admin fee- 80.00; Madelyn Thorsland, prior yrs- 10.00; Road Improvement, budget transfer- 7500.00; Weed Fund, budget transfer- 1500.00; Kerry Bligh, animal control- 150.00; AV-Tech Electronics, brackets- 260.80; City of South Sioux City, fuel- 4741.69; Dakota Food & Fuel, fuel- 794.34; Electronic Engineering, supplies- 48.20; Fremont Tire, service/repair- 1456.54; Jacks Uniforms, clothing- 2473.94; RACOM, t1- 707.40; Sign Masters, units- 1087.50; SFCU, repair/fuel/tools- 1014.97; Staples, supplies- 89.75; Verizon, phone- 404.62; Wal-Mart, supplies/food- 94.33; Watchguard Video, bracket/mount- 80.00; Allworld Translation Services, interpret- 110.00; Cartridge World, cartridge- 304.17; Enrique Guerrero, subpoena; 880.46; H2O4U, service- 28.50; Iowa Office Supply, contract- 104.31; Sarah Meadows, mileage/meals- 101.10; Regional Pathology Services, testing- 1025.00; Peter Parry, meals- 73.08; Verizon, phone- 91.14; Kim Watson, website- 77.74; Wingate Inn, lodging- 629.55; City of South Sioux City, LEC cost share- 30617.96; BI Inc, electric monitoring- 819.67; Caterina Chapman, supplies- 14.53; Verizon, phone- 89.85; Ateam Heating & Cooling, repairs- 2675.25; Amsan, supplies- 1203.74; Aramark, service- 55.48; Associated Fire Protection, inspection- 660.00; BI Inc, electric monitoring- 313.50; Bob Barker, supplies- 397.13; CBM Food Service, meals- 21149.21; Cardiovascular Associates, medical- 30.00; Dakota Business Systems, contract- 281.00; Dakota City Fire Department, agreement- 2000.00; Dakota County Sheriff, mileage/meals- 779.04; Dakota Family Dentistry, medical- 244.00; Dakota Food & Fuel, fuel- 211.88; Sandy Dickens, mileage- 92.00; Gill Hauling, service- 120.00; Amber Hamman, mileage- 74.25; Hough Distributing, gloves- 721.12; IA-NE State Bank, lease payment- 5351.34; Jacks Uniforms, clothing- 267.00; Janitor Depot, rags- 31.95; Joes Department Store, supplies- 123.39; Mercy Business Health, medical- 2475.00; Mercy Medical Center, medical- 1084.30; MidAmerican Energy, utilities- 639.93; Midwest Office Automations, copies- 261.85; Moore Medical, medical supplies- 519.09; Jerry Moreno, interpret- 20.00; NE Nebr Juvenile Services, boarding- 1137.50; Nebr Public Power District, utilities- 1925.62; Net Sys Plus, repair- 560.00; NW Iowa Emerg Phys, medical- 448.00; Doyle Pilgrim, mileage- 31.00; Ramada Inn, training- 603.00; SFCU, fuel/meal/wrench- 364.88; Staples, supplies-

1307.97; Trembly Pest Control, service- 35.00; Verizon, phone- 206.61; Wal-Mart, supplies- 2024.96; Woodbury Co Juvenile Det, boarding- 1600.00; Dakota County Star, publishing- 577.98; Perkins, supplies- 3.65; Dakota City Postmaster, key- 7.00; Farm & Home Publishers, plat map- 10.51; MIPS, payroll vouchers- 11.28; Perkins, supplies- 16.51; Staples, toner- 143.99; AS Central Service, storage- 65.00; Charlotte Doenhoefer, prior yrs- 10.00; Executive Technologies, repair- 80.00; Robert Giese, mileage- 120.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 8.98; Irene Van Lent, prior yrs- 16.00; Security Shredding, shredding- 35.00; Microfilm Imaging, equipment rental- 240.00; Jim Cahill, polling place setup- 35.00; Daniel Christoffers, mileage- 12.00; Election Night Workers, Linda Carson, Gary Sides, Nick Walsh, Tim Piepho, Nanci Walsh, Charlotte Doenhoefer, Arlyn Wilson, Delmar Adam, Tim Bahr, Shirley Sides, Rita Deichert, Joan Spencer, Jolene Heineman, Ruth Gillaspie, Joan Plant, Roger Johansen, Craig Dean, Ron Dahlman, Stacy Dahlman, Marisol Curiel, Mary Wolf, Gerri Tramp, Vickie Melies- 1429.00; Election Systems & Software, ballots/coding- 9510.70; Emerson Legion Hall, polling place- 100.00; First Lutheran Church, polling place- 75.00; Homer Legion Hall, polling place- 50.00; Hubbard Community Center, polling place- 50.00; Jackson Legion Hall, polling place- 50.00; Knight of Columbus, polling place- 50.00; Chris Knudsen, polling place setup- 35.00; Patriot Signage, signs- 77.00; Perkins, supplies- 106.81; Theodore Piepho, cell/mileage/fuel/uhaul rental- 372.85; Poll Worker Training & Mileage, Marjorie Jarvill, Pat Giese, Clara Woten, Loren Woten, Mary Hinkle, Linda Brostad, Darlene Nielsen, Judy Curry, Margaret Demke, Mary Wolf, Fred Penner, Joanne Mast, Frank Morse, Jan Johansen, Anita Rector, Jackie Gierman, Sherye Aitken, Delores Porter, Doris Phillips, Catherine Eriksen, Beverly Bliven, Mary Kleinberg, Betty Bliven, Bertha Hines, Margaret Croxen, Pharyce Eslick, Art Eslick, Kimberly Archer, Don Larson, Lois Larson, Jannette Burns, Susan Church, Geraldine Tramp, Josephine Cain, Diana Kincaid, Myra Gentrup, Janice Roeber, Jane Bonderson, Bonnie Pallas, Randy Lussier, Mary McGowen, Jana Adam, Charlene Jensen, Trudy Jepsen, Linda Torticill, David Donnelly, Nancy Green, Diann Albertson, Patricia Donnelly, Sharon Greenleaf, Phyllis Cleveland, Pat Stingley, Jean Lynch, Margaret Mari- 1555.68; Print Elect, cones/signs- 310.53; Salem Lutheran Church, polling place- 50.00; SSC Fire hall, polling place- 50.00; SSC Legion Hall, polling place- 150.00; Staples, supplies- 248.65; Todd's Storeall, storage- 80.00; Election Day Poll Workers, Pat Giese, Clara Woten, Loren Woten, Marjorie Jarvill, Linda Brostad, Judy Curry, Peggy Demke, Darlene Nielsen, Joanne Mast, Fred Penner, Joan Koch, Mary Wolf, Frank Morse, Sherye Aitken, Claudia Horner, Jackie Gierman, Anita Rector, Jan Johansen, Ada Hunt, Doris Phillips, Catherine Eriksen, Delores Porter, Aloise Ferris, Bertha Hines, Margaret Croxen, Mary Kleinberg, Betty Bliven, Beverly Bliven, Kimberly Archer, Irene Buck, Julie Schram, Pharyce Eslick, Lois Albertson, Don Larson, Shirley Uhl, Jannette Burns, Lois Larson, Josephine Cain, Diana Kincaid, Susan Church, Geraldine Tramp, Dorothy Kramper, Ginger Huggenberger, Bonnie Pallas, Myra Gentrup, Jane Bonderson, Janice Roeber, Charlene Jensen, Trudy Jepsen, Marilyn McGowen, Jana Adam, Randy Lussier, Diann Albertson, Pat Donnelly, Linda Torticill, Nancy Green, Dave Donnelly, Phyllis Cleveland, Jean Lynch, Margaret Mari, Sharon Greenleaf, Patricia Stingley- 6413.83; Arnie Mellick, phone- 30.00; Valerie Danielson, reimburse- 887.01; Des Moines Stamp, stamp/pad- 107.00; Net Sys Plus, repair- 160.00; Perkins, supplies- 656.84; Dakota Business Systems, lease- 99.00; Data Source, toner- 146.50; Microfilm Imagine, scanning- 100.50; Midwest Office Automation, contract- 308.64; Iowa Office Supply, supplies- 133.92; Thomson West, service- 177.00; William Binkard, reimburse- 214.39; Dakota County Sheriff, papers/warrants- 1487.09; Cartridge World, toner- 423.96; Frank Gonzalez, interpret- 300.00; Shelly Hodges, interpret- 500.00; M&M Court Reporting, deposition- 80.00; Perkins, supplies- 72.41; Tiffany Berndt, witness fee- 30.00; Jessica Clausen, witness fee- 26.00; Matthew Connealy, court appointed counsel- 766.80; Dakota County Court, costs- 949.32; Dennis Hurley, court appointed counsel- 2910.00; Sheila Jensen, witness fee- 22.00; Kueny & Begley, court appointed counsel- 150.00; James Santee, witness fee- 24.50; Margaret Thompson, witness fee- 28.00; Richard Thrumer, court appointed counsel- 1635.52; Patrick Tott, court appointed counsel- 966.00; Latessa Wolfe, witness fee- 25.00; District Court, claim lists- 478.00; Executive Technologies, toner- 226.50; Hy-Vee, supplies- 61.80; MIPS, package- 85.00; Nebraska Supreme Court, appeal costs- 123.00; Security Shredding, shredding- 35.00; Bomgaars, supplies- 315.61; Bunkers Feed & Supply, salt- 60.32; Gill Hauling, service- 120.00; Joes Dept Store, repair/supplies- 178.64; Menards, supplies- 358.47; MidAmerican Energy, utilities- 1462.00; Nebr Public Power Dist, utilities- 1469.30; O'Keefe Elevator, maintenance- 159.53; Richard Jensen, mileage- 66.65; Sam's Club, supplies- 227.21; Siouxland Lock & Key, keys- 8.00; Trembly Pest Control, service- 50.00; Verizon, phone- 56.50; Wilmes Hardware Hank, supplies- 37.59; PMNRD, rent- 833.33; UNL Extension, reimburse- 1670.93;

ROAD: Ace Engine & Parts, parts- 23.17; Advance Auto, parts/supplies- 118.75; Aramark, service- 404.32; AZ Inc, fuel- 386.00; Bernie's Law & Garden, chainsaw- 70.28; Bomgaars, supplies- 317.56; Butch's Truck Repair, parts/supplies- 459.98; Carquest, parts- 71.67; Colonial Research, supplies- 38.21; Dakota County Star, bids- 19.29; Dakota County Treasurer, title- 10.00; Dakota Earth Moving, sand hauling- 150.00; Filter Care of NE, filter cleaning- 15.55; Frame Aligners, parts/labor- 2101.05; Gill Hauling, service- 55.00; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 2962.02; Hydraulic Sales & service, parts- 177.36; H2O4U, service- 29.00; Industrial Tools and Machinery, supplies- 18.65; Sharlyn Iversen, mailbox- 26.85; J&J Pronto, fuel- 1248.64; Jim Hawk Truck Trailers, parts- 745.47; Joes Dept Store, supplies/tools- 170.39; Kinetic Leasing, loader/interest payments- 2458.00; Kim Knecht, chains- 600.00; Knife River, asphalt- 431.73; LG Everist, gravel- 44456.02; Linweld, oxy- 120.02; Lux Bros, dirt hauling- 1852.50; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts- 54.56; NAPA, supplies- 262.50; Nebr Public Power Dist, service- 27.44; Northeast Equip, tractor- 300.00; Northeast Nebr Public Power Dist, utilities- 200.02; Northeast Nebr Telephone, phone- 184.33; Peterson Sand & Gravel, gravel- 36829.45; Pumps, tires- 109.50; Power Plan, parts- 98.75; Rees Mack Sales, parts- 14.80; Sapp Bros Petro, supplies- 2587.40; Titan Access, parts- 130.06; TriState Comm, radio equip- 669.50; Verizon, phone- 49.46; Warren Oil, diesel- 7403.75; Ziegler's, parts/supplies- 2852.61;

ROAD IMPROVEMENT: Olsson Assoc, engineering- 7840.00;

VETERANS AID: Hy-Vee, food- 261.14; Inheritance Tax, VA loan- 1525.00;

ECEBG GRANT: Dakota County Star, publishing- 27.01;

LAW ENFORCEMENT GRANT: City of South Sioux City, grant- 40235.12;  
PUBLIC SAFETY: Jail Bond Fund, sls tax- 25229.15; City of SSC, sls tx- 3440.34;  
WEED FUND: Dakota County Star, publishing- 153.00; Dakota County Treasurer, title fee- 10.00;  
FIMCO, parts- 102.75; Grainger, supplies- 307.92; Heritage Express, fuel- 143.98; Hubbard Minimart,  
fuel- 291.03; Leon Pies, workshop- 10.00; Sioux City, service- 92.34; Siouxland Hydraulics, repair-  
94.57; Torco Remfg, repair- 123.95;  
ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde-Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Motion to approve and Chair to complete Proclamation of Recommitment to Full Implementation of the Americans Disabilities Act".

Commissioner Bousquet moved, seconded by Commissioner Gomez to adopt and authorize the chair to sign a Proclamation on behalf of the Dakota County, Nebraska Board of Commissioners do hereby affirm our commitment to work toward full accessibility and inclusion of people with disabilities, on this, the 17th day of May, 2010.

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

The full proclamation read as follows:

In Celebration of the 20th Anniversary of the Americans with Disabilities Act  
A Proclamation of Recommitment to Full Implementation of the ADA

On July 26, 1990, President George H. Bush signed into Law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

The ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life. However, the full promise of the ADA will only be reached if public entities remain committed in their efforts to fully implement the ADA.

On the 20<sup>th</sup> anniversary of the Americans with Disabilities Act, we celebrate and recognize the progress that has been made under the ADA by reaffirming the principles of equality and inclusion and recommitting our efforts to reach full ADA Compliance.

Now Therefore, I, William I. McLarty, on behalf of the Dakota County, Nebraska Board of Commissioners do hereby affirm our commitment to work toward full accessibility and inclusion of people with disabilities, on this, the 17th day of May, 2010.

Chair McLarty called for the Agenda Item "Award bid for HVAC Upgrade project for the Energy Efficiency and Conservation Block Grant funding received. Property Committee to make recommendation".

Commissioner Rohde, who serves on the Property Committee, recommended the second lowest bid of A Team of \$97,378. He said that the County Attorney had reviewed the bid and said that the Board does not have to accept the lowest bid. He said that A team was a local Contractor and based on prior service and availability was the reason for the recommendation.

Commissioner Rohde moved, seconded by Commissioner Gomez to accept the second lowest bid of A Team of \$97,378 based on prior service, availability and that they are a local contractor.

Commissioners Gomez and McNear agree with that they are a local contractor with local service availability and would like a local contractor get the bid.

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

Chair McLarty called for the agenda item "Alan Boyd, Veteran's Service Officer – Board to accept resignation."

Commissioner Bousquet moved, seconded by Commissioner McNear to accept the resignation of Al Boyd as Veteran's Service Officer.

He asked that the reason that he resigned be stated and that was that he accepted a position in Wyoming at more pay.

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 use of private contractors for road repairs."

It was discussed that the projects on the One and Six Year Road Plan would better be served by contractors because the Road Department does not have enough personnel to get the grading of the roads done.

Commissioner Bousquet moved, to use private contractors for certain projects and leave it up to the Road Committee to accept bids and to authorize those repairs as needed "within state statute".

Commissioner McNear seconded the motion. Chair McLarty asked for clarification whether it had to be approved by the Board, or is the Board leaving it strictly up to the Road Committee. Commissioner Bousquet said that he intended that it would not have to come before the full board because it lengthens out the time to get anything done. Mr. Bousquet said that with Commissioner Rohde, who has worked in the Road Department and Commissioner McNear along with Mr. Kellogg's knowledge that the Board could leave it up to them.

Chair McLarty asked the County Attorney if a project is over a certain dollar amount, does it have to be approved by the full Board.

Ms. Watson, County Attorney said that if the project was \$5,000 to \$20,000 three informal bids would have to be solicited and if it were over \$20,000 the County would have to bid it out. Commissioner Rohde said that most of the projects would be under \$20,000.

Ms. Watson said that if materials exceed \$10,000, and she sited purchasing gravel or constructing bridges or culverts, the Board would have to let to the lowest responsible bidder, per statute.

Commissioners Bousquet and McNear agreed to add "within state statute" to their motion and second.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Yea.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the agenda item "Change appointment of Commissioner on Budget" and said that was resolved.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports".  
Commissioner Bousquet reported that the Lite Form was done on the addition to the LEC and that they were pouring concrete.

Commissioner McLarty said that he had letters from the Jail Standards Board and the jail was found to be in compliance at the Jail Standards April 23, 2010 meeting of the Jail Standards Board.

He also noted that Jail Standards at the same meeting approved to add five (5) bunks, one bunk to each of five cells leaving the county with (3) single cells for general occupancy.

Commissioner Bousquet said that there was no Planning and Zoning Meeting scheduled for May.

Chair McLarty called for the Agenda Item "Open bids for the C Avenue Paving Improvements Project – These bids were advertised to be opened at 4:30 p.m."

Justin Stark attended the meeting in place of Chad Kehrt.

There were five (5) bids submitted; Sioux City Engineering, Mark Albenesius Inc., Concrete Specialty, Gill Construction and Steve Harris Construction. All bidders had 5% bid bonds.

Sioux City Engineering's bid for Section A was \$454,319.15.

Mark Albenesius bid for Section A was \$484,813.78.

Concrete Specialty's bid for Section A was \$488,760.30.

Gill Construction's bid for Section A was \$446,130.52.

Steve Harris's Construction bid for Section A was \$455,568.84.

Chair McLarty called for the Agenda Item "Award Bid for the C Avenue Paving Improvements Project."

Commissioner Bousquet moved, seconded by Commissioner Gomez to accept and award the bid for the C Avenue Paving Improvements Project to Gill Construction's, which was low bid at \$446,130.52 pending the review of the numbers.

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

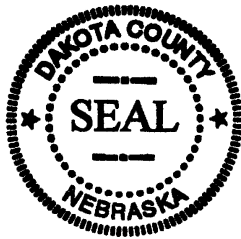
Chair McLarty called for the Agenda Item "Public Comment".

Sally Reinert asked who people could go to if they had questions concerning ADA. The Board did not have anyone in mind for that but agreed to work on appointing some person to be that contact.

Chair McLarty called for the Agenda Item "Adjournment".

Commissioner McNear moved, seconded by Gomez to adjourn at 4:40 p.m.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Yea.  
UNANIMOUS MOTION CARRIED. 4:40 p.m.



Dakota 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, June 1, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, McNear, Rohde and Ted Piepho Secretary. Absent: Gomez.

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

Commissioner Rohde moved, seconded by Commissioner McNear to excuse Commissioner Gomez for his absence.

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

The agenda for the meeting was as follows:

Call to Order

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

Rozy Warder - A social worker was contracted for the past 3 years with funding from a Safe Schools Healthy Students grant. The social worker engaged in diverse activities including (but not limited to) one on one therapy, working with families on social, emotional, or academic concerns, assisting families with paperwork to secure insurance or other funding to access community mental health services, addressing obstacles to learning with root causes other than academic. The position needs sustainability funding as the grant dollars will no longer be available. The position impacts the juvenile justice system, the number of civil commitments, the out of home placements, and number of adjudicated youth. The purpose of the request to be placed on the agenda is to ask the County Commissioners to consider the continuation of the contract with county funds as a prevention strategy for the youth in the school system. The current contract is with Boys and Girls Homes and Family Services for \$55,000

- Commissioners to consider funding a contract for a social worker to serve the school age youth in the South Sioux City Community Schools beginning with the 2010-2011 school year.

Public Hearing. Planning and Zoning Section 509 – Enforcement amendment approval, which was advertised to begin at 4:30 p.m.

Open Public Hearing

The purpose of this hearing is to consider amending Section 509 of the zoning ordinances passed by the Dakota County Joint Planning and Zoning Commission on April 20, 2010.

Recess to meet as Board of Equalization to give a little extra time for those that want to make comments to amending Section 509 to be present.

Reconvene from Board of Equalization.

Arnie Mellick, Planning and Zoning Administrator, Explanation of reason for public hearing

Testimony of those that are in support of the amendment

Testimony of those that are in Opposition of the amendment

Testimony of those that take a Neutral position on the amendment

Close Hearing

Resolution adopting the Amendment if the Board wants to adopt the change.

Andy Snyder with Smith Hayes – Discussion and/or Action on refunding outstanding Bonds.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- County Board Chair to sign Project NH-75-4(109) which the Department of Roads will construct a highway improvement Project in Dakota County and the County Chair has to sign a contract that the County surveyor has completed that the surveying work will be done within a determined amount of days and outlines the cost of surveying work to be done.
- Consider approving contract approval between the jail and CBM to cater meals and snacks for jury's. Action on amending the contract.
- Approve revised Employee Handbook – (1) FMLA Policy was updated to comply with new FMLA and MFLA regulations and (2) Nepotism Policy wording clarification defining family.
- M+ Architects Ownership transition. Board to decide to have our HVAC upgrade contract for professional services remain with M+ Architects or choose to have our contract released to Paul Martin.
- Discuss time clocks for employees.

Tabled Items: (No tabled items to consider)

Commissioner's Committee Reports

Commissioner's Member Reports



Public Comment  
Mail and/or Emergency Business  
Adjournment

Notice of Public Hearing

The Dakota County Board of Commissioners will hold a public hearing concerning amending Section 509 Enforcement of the Dakota County Joint Planning and Zoning Regulations at 4:30 p.m. June 1, 2010.

Said hearing will be held during their regular meeting June 1, 2010 in the Basement Meeting Room at the Dakota County Courthouse, 1601 Broadway Street, Dakota City NE 68731.

The purpose of this hearing is to consider amending Section 509 of the zoning ordinances passed by the Dakota County Joint Planning and Zoning Commission on April 20, 2010, which reads as follows: **Section 509. Enforcement.** An administrative official, who shall be known as the Building Inspector and who shall be designated by the County Commissioners, shall administer and enforce these regulations. He may be provided with assistance of such other persons as the County Board may direct.

If the Building Inspector shall find that any of the provisions of these regulations are being violated, he shall notify by calling or visiting the person responsible for the violation. If within a 2 week period the violation has not been corrected the administrator shall notify the violator by registered letter to correct the violation. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to insure compliance with, or to prevent violation of its provisions. If after a period of 2 weeks the violation has not been corrected, the building inspector shall assist the County Attorney in documenting violations and in providing additional information which may be required before legal action can be taken.

This hearing is open to the public and the County Board will solicit oral and or written testimony in favor of or in opposition to adopting Section 509 Enforcement of the Joint Planning and Zoning Regulations, as previously written.

Theodore A. Piepho  
Dakota County Clerk

Chair McLarty called for the Agenda item "Approve minutes of previous meeting".

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the minutes of May 17, 2010 as prepared and type for the Official Record.

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

Chair McLarty called for the Agenda Item "Andy Snyder with Smith Hayes – Discussion and/or Action on refunding outstanding Bond".

Andy Snyder, with Smith Hayes, informed the Board that the 2005 Property Tax Bonds for the Correctional Facility could be called July 26, 2010 and the Sales Tax Bonds would be callable in November. Mr. Snyder said that the interest rate for bonds is lower now than what we have the present bonds at and he said that the County could save approximately \$13,000 per year if we would refinance them.

There was discussion whether we could pay them off in three years because the board had intension of paying the present bonds off early.

Mr. Snyder said that there is a recall option to call them after three years, but that would make the Bonds harder to sell, but that his boss would have to approve that.

Commissioner Bousquet moved, seconded by Commissioner Rohde to authorize Andy Snyder with Smith Hayes to refund the Property Tax Bonds for the Correctional Facility bond series 2005 at the lower interest rate with a three year call.

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

There was discussion concerning authorizing Mr. Snyder to refinance the bonds that could be called in November, but the Board opted for Smith Hayes to closely monitor the bonds to evaluate the situation and if they feel the need for the County to refinance quickly, then they should get on the agenda at that time.

Chair McLarty recessed their meeting at 4:40 p.m.

Chair McLarty reconvened their meeting at 4:48 p.m.

Chair McLarty called for the Agenda Item "Public Hearing. Planning and Zoning Section 509 – Enforcement amendment approval, which was advertised to begin at 4:30 p.m." and opened said hearing at 4:48 p.m.

Arnie Mellick said that the proposed change to Section 509 of the Dakota County Joint Planning and Zoning Regulations provided someone two weeks to comply with a violation notice of Section 509.

Chair McLarty asked if there were any questions by the Board and there were none. The chair then asked the audience if there was anyone in the audience that wished to speak in favor of the change and there was none.

Mr. McLarty asked if there was anyone that wished to address the board in opposition to the proposed changes.

Dennis Reinert stepped up to the podium and said that he was not opposed to the proposed changes but expressed that the policy was not gender friendly. He said that there are women who work in this capacity.

Chair McLarty asked if there was anyone in the audience that wished to make neutral comments on the proposed changes and there were none.

Chair McLarty closed the hearing at 4:55 p.m.

Commissioner Rohde moved, seconded by Commissioner Bousquet to adopt the amendment to Section 509 of the Dakota County Joint Planning and Zoning Regulations and making it gender friendly as follows:

If the Building Inspector shall find that any of the provisions of these regulations are being violated, he/she shall notify by calling or visiting the person responsible for the violation. If within a 2 week period the violation has not been corrected the administrator shall notify the violator by registered letter to correct the violation. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to insure compliance with, or to prevent violation of its provisions. If after a period of 2 weeks the violation has not been corrected, the building inspector shall assist the County Attorney in documenting violations and in providing additional information which may be required before legal action can be taken.

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

UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Approve Payroll Claims" and said that there were no discrepancies.

Commissioner McNear moved, seconded by Commissioner Bousquet to approve the payroll claims as follows:

COUNTY GENERAL FUND: Gross salaries- \$125,045.14, General Fund Employees Net Pay- \$88,428.24, Employer deductions paid: Retirement- 8,732.88, FICA- 7,580.61, Medicare- 1,772.89, DC Health Plan- 27,600.00, DC Dental Plan- 999.12 and Life Insurance- 198.55, Principal Mutual Life Insurance- 1,146.21.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 954.40, Bobbi Jo Harsma- 1087.21, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 744.32, Phyllis Ridge- 966.57, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1685.73, Anthony Bos- 1763.00, Sandy Dickens- 463.70, Brian Ellinger- 2389.94, Penny Epting- 2216.19, Michael Estes- 1471.35, Brent Gilster- 1660.83, Todd Hammer- 1995.84, Richard Hansen- 1394.61, Melvin Harrison III- 1805.92, Rodney Herron- 1830.92, Jason James- 1867.17, Kimberly Johnson- 359.72, Jared Junge- 1776.64, Michael Kreegar- 1780.91, Gary Powell- 222.00, Gayle Richards- 884.82, Kevin Rohde- 1764.65, James Wagner- 1634.45, Randall Walsh- 2195.27, Kerry Johnson- 926.40, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Mary Spurlock- 926.40, Aimee Uhl- 1093.36, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1587.45, Ermelinda Ballesteros- 1754.28, Joshua Blatchford- 1160.28, Dusty Boyd- 1727.20, Rebecca Broer- 1393.48, Mario Cruz- 878.36, Sandy Dickens- 802.44, Lisa Ford- 1294.62, Robert Foster- 1282.81, Ryan Foster- 442.53, Linda Frost- 816.00, Alma Gunderson- 1310.76, Amber Hamman- 1496.11, Paula Harrigfeld- 699.39, Cathy Harsma- 1306.80, Deanna Haukap- 1242.30, Jeffrey Heitzman- 1306.66, Adam Hough- 1397.78, Michael Jacobson- 987.33, Brett Johnson- 1290.30, Nicholas Kellen- 1368.18, Brenda Kelly- 1311.07, Terry Kern- 1923.08, Keith Klein- 1347.62, Mark Nelson- 1365.38, Travis Olander- 1177.91, Kimberly Peterson- 1223.06, Doyle Pilgrim- 1015.92, Daniel Rodasky- 1306.69, Cody Roeber- 784.49, Jutharatana Ruenprom- 1408.97, Linda Schovanec- 1299.20, Francis Tope- 1215.79, Jewel Williams- 1347.62, Matthew Wise- 1223.06, Cara Wood- 1298.55, Jolene Gubbels- 1018.40, Leon Pies- 988.00, Pamela DeVries- 1636.90, Bonnie Kahler- 728.85, Shirley Voss- 1095.00.

GENERAL FUND: Employee withholding paid to: Federal- 11,056.67, State- 4,364.27, FICA- 7,580.61, Medicare- 1,772.89, Retirement- 5,919.41, Health Plan- 650.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 355.00, Deferred Comp- 607.00, Garnishments- 1,948.66, Aflac Health- 637.29, Aflac Life/Dsbl- 234.87 and Flex Plan Medical- 719.70, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,789.86, Road Employees Net Pay- \$11,077.13, Employer deductions paid: Retirement- 1,065.82, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 955.62, and Medicare- 223.49, Principal Mutual Life Insurance- 205.45.

Brent Byroad- 1735.56, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1534.30, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1264.00.

ROAD FUND: Employee withholding paid to: Federal- 1,240.49, State- 511.35, FICA- 955.62, Medicare- 223.49, Retirement- 710.54, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 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 called for the Agenda Item "County Board Chair to sign Project NH-75-4(109) which the Department of Roads will construct a highway improvement Project in Dakota County and the County Chair has to sign a contract that the County surveyor has completed that the surveying work will be done within a determined amount of days and outlines the cost of surveying work to be done".

Commissioner McNear moved, seconded by Commissioner Rohde to authorize the chair to sign the Agreement for Project NH-75-4(109) which the Department of Roads will construct a highway improvement Project in Dakota County as completed by the County Surveyor.

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

Chair McLarty called for the Agenda Item "Consider approving contract approval between the jail and CBM to cater meals and snacks for jury's. Action on amending the contract" and said it was recommended by the Board of Corrections to approve it.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Amendment to the Contract with CBM as approved by the board of corrections.

AMENDMENT TO  
FOOD SERVICE CONTRACT BETWEEN  
DAKOTA COUNTY NEBRASKA AND CBM FOODSERVICE

Food Service Exclusivity

This amendment to the original contract is entered into this 7th day of May, 2010 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Managed Services address 2219 East Benson Road, Sioux Falls, South Dakota 57104.

Pursuant to item 4.0 of the entire agreement, the parties agree to grant first-choice rights to any and all food service projects with the confines of the County Courthouse, including but not limited to catering, jury meals and special events.

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 1 day of June, 2010  
DAKOTA COUNTY, NEBRASKA:

Dated this 7th day of May, 2010  
CBM Food Service  
/s/ Shane V. Sejnoha

/s/ Terry Kerns  
Jail Administrator

/s/ Signature not Legible  
Witness

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

Chair McLarty called for the Agenda Item "Approve revised Employee Handbook – (1) FMLA Policy was updated to comply with new FMLA and MFLA regulations and (2) Nepotism Policy wording clarification defining family".

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve the FMLA Policy update to comply with the new FMLA and MFLA regulations and to approve the Nepotism Policy wording clarification defining family, as follows:

Disclaimer: Additions or changes to the handbook are **bold**, *Italicized* and **blue** in color and within brackets.

ARTICLE XX

**Extended Leaves of Absence**

Section 1. Duration

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

Section 2. Application

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

**[Application for leave may also be made under the Family Medical Leave Policy set out in Article XXI.]**

Section 3. Benefits During Leave

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

**[ ARTICLE XXI**

**Family and Medical Leave Policy**

**Section 1. Purpose**

***The purpose of this policy is to define Dakota County's policy and procedure with regard to family and medical leave in accordance with the provisions of the Federal Family***

*and Medical Leave Act (FMLA) of 1993, and as amended thereafter, and the federal regulations pertaining thereto.*

### **Section 2. Eligibility**

*Employees who have been employed for at least one (1) year, and for at least 1,250 hours during the preceding 12-month period, and who work in an office or work site which employs 50 or more employees, or there are 50 or more employees within 75 miles of the office or worksite, are eligible for family and medical leave.*

### **Section 3. General Leave Provisions**

*Family or medical leave will be unpaid leave. (See 29 C.F.R. 825.207). If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave or personal leave. If leave is requested for any of the other reasons listed below in Section 4, an employee must use all of his accrued paid vacation or personal leave. The remainder of the leave period will then consist of unpaid leave. Any employee who incurs a work-related illness or injury, provided it meets the definition of "serious health condition" as described in section 4, and is absent from work as a result will have this time counted against their FMLA leave entitlement.*

*In those cases in which a husband and wife are both employed by Dakota County in the same department and both are eligible for family and medical leave, they will be permitted to take only a combined total of 12 weeks of leave during any 12-month period if the leave is taken: (1) for the birth of a son or daughter or the care for the child after birth; (2) for the placement of a son or daughter with the employees for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent "in law"--See 29 C.F.R. 825.202) with a serious health condition. If one spouse is ineligible for family and medical leave, the other spouse would be entitled to a full 12 weeks of family and medical leave. If the husband and wife both use a portion of the total 12-week family and medical leave entitlement for one of the purposes enumerated above, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for family and medical leave for a purpose other than those enumerated above. For example, if each spouse took 6 weeks of leave for the birth of a child, each could later use an additional 6 weeks due to a personal illness or to care for a sick child. (See 29 C.F.R. 825.202).*

### **Amount of Leave**

*All employees who meet the applicable time of service and other requirements set forth in sections 2 and 3 are entitled to a maximum of 12 weeks of unpaid FMLA leave and applicable paid sick, vacation and personal leave combined during a 12-month period measured forward from the date of your first FMLA leave usage. If the leave is to care for a covered military service member who incurred a serious injury/illness in the line of duty on active duty, an eligible employee is entitled to a maximum of 26 weeks of unpaid leave for such purpose during a single 12-month period. During that single 12-month period, FMLA leave taken for other reasons is also counted, and an employee may not exceed the 26-week maximum for all FMLA leave taken regardless of the reason.*

### **Use of Leave**

*An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.*

### **Section 4. Reasons for Leave**

*The 12 weeks of family and medical leave may be granted for the following reasons:*

- 1. For incapacity due to the employee's pregnancy, prenatal medical care, or childbirth;*
- 2. To care for the employee's child after birth, or placement for adoption or foster care;*
- 3. To care for the employee's spouse, child, or parent, who has a serious health condition;*
- 4. For a serious health condition that makes the employee unable to perform the employee's job;*
- 5. For military exigency leave to address certain qualifying exigencies related to a covered military member (if the employee is the spouse, parent, son or daughter of said military member) who is serving in the National Guard or Reserves and is on active duty (or under a call to active duty status) in support of a contingency operation; and/or*
- 6. For military caregiver leave to care for a covered military service member (if the employee is the spouse, parent, son, daughter or next of kin of said service member) who: (a) is a current member of the military (Armed Forces, National Guard or Reserves); (b) has incurred a serious injury or illness in the line of duty on active*

*duty that may render the service member medically unfit to perform his or her duties; and (c) is undergoing medical treatment, recuperation or therapy, or is in out-patient status, or is on the military's temporary disability retired list.*

*The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.*

*NOTE: Spouse does not include unmarried domestic partners. Child may include step-children, foster children, or certain other children having more than a short-term residence in the employee's home such as legal wards of the employee. Care for mother-in-law or father-in-law is not included. However, parent may include individuals other than natural or adoptive parents who served in a long-term parental role for the employee.*

*NOTE: "Serious health conditions" are defined as illness, injury, impairment, or physical or mental conditions that involve; (1) inpatient care, (2) absence for work, school or other regular daily activities for more than three consecutive calendar days and continuing treatment by a health care provider, or (3) continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, or prenatal care. Examples of serious health conditions include but are not limited to the following: heart attack, heart by-pass or valve operations and other condition requiring surgery; most cancers; back conditions requiring extensive therapy or surgery; strokes; severe nervous disorders; severe respiratory conditions; spinal conditions; appendicitis; pneumonia; emphysema; Alzheimer's; severe arthritis; need for prenatal care; severe morning sickness; childbirth; and recovery from childbirth, physical, eye, or dental examinations; and injuries caused by serious accidents. This does not include voluntary or cosmetic treatments; short-term illnesses; flu; the common cold; ear aches; upset stomach; and head aches other than migraine; and other such illnesses.*

*"Qualifying Exigency" may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.*

#### **Section 5. Notice of Leave**

*If the need for leave is foreseeable, an employee must provide 30 days advance notice if practicable. If not practicable to give at least 30 days advance notice of the need for foreseeable leave, then the employee must give as much notice as reasonably possible. This normally means providing notice on the same day as or next business day after the employee learns of the need for leave. Notice of the need for foreseeable leave is to be given to the Administrative Assistant to the County Board of Commissioners.*

*If need for leave is unforeseeable, an employee must provide as much notice as practicable. This means the employee must comply with the County's call-in procedures. In addition, the employee must notify the Board Administrative Assistant.*

#### **Section 6. Application for Leave**

*All employees requesting leave under this policy must complete the "Request for Leave of Absence" available from the County and return it to his/her supervisor. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.*

#### **County Notices and Other Responsibilities**

*If an employee requests FMLA leave, the County will notify the employee whether he/she is eligible for such leave the first time during the County's FMLA leave year that the employee requests leave for that particular reason or that specific medical condition. If the employee is eligible, the notice will specify any additional information required (such as a certification of a health care provider) as well as the employee's rights and responsibilities. If the employee is not eligible, the notice will provide a reason for the ineligibility.*

*Once the County has received a complete and sufficient certification (if one is required), the employee will receive a designation notice. The notice will either designate the leave as FMLA-protected leave and the amount of leave counted against the employee's FMLA leave entitlement (if it can be calculated), or will advise the employee that the leave is not FMLA-protected.*

#### **Section 7. Medical Certification of Leave**

*An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Certification of Health Care Provider for Employee's or Family Member's Serious Health Condition" as provided by the County to be completed by the applicable health care provider. The certification must state the date on which the serious health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition.*

*If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed to provide*

*such care. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of his or her job.*

*The County may require a second opinion at a health care provider selected and paid for by the County. If the second opinion differs from the original certification, the County may require a third opinion from a medical provider selected jointly by the County and the employee, again at the County’s expense. The results of the third opinion are final.*

**Section 8. Benefits Coverage During Leave**

*During a period of family or medical leave, an employee will be retained on Dakota County’s health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave as arranged. Failure of the employee to timely pay his or her share of the health insurance premium may result in a loss of coverage.*

*If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Dakota County for payment of health insurance premiums made by the County during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or due to circumstances beyond the employee’s control. (See 29 C.F.R. 825.208.).*

*An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of the leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began. (See 29 C.F.R. 825.215). However, an employee’s seniority will be lost relative to other employees as their seniority accrues.*

**Section 9. Restoration to Employment**

*An employee eligible for family and medical leave, except for an employee designated as a “highly compensated employee,” will be restored to his or her old position or to a position with equivalent pay, benefits and other terms and conditions of employment.*

*Employees who may be exempted will be informed of this status when they request leave. Dakota County cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an “equivalent position” will be made by Dakota County. (See 29 C.F.R. 825.214 and 825.215).*

**Section 10. Return from Leave**

*If an employee was on leave for his/her own serious health condition, he/she must provide a fitness-for-duty certification upon return to work. Upon return from FMLA leave, an employee will normally be restored to his/her original or an equivalent position with equivalent pay, benefits and other employment terms.*

*If the circumstances of your leave change, and you are able to return to work earlier than the expiration of a family or medical leave of absence, you will be required to notify your supervisor at least two (2) workdays prior to the date you intend to report for work.*

**Section 11. Failure to Return from Leave**

*The failure of an employee to return to work upon the expiration of a family or medical leave of absences will be considered a resignation unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or the serious health condition of the employee’s spouse, child or parent, must submit a request for an extension, in writing, to the employee’s immediate supervisor setting forth the reason(s) for the extension, along with a current “Certification from Health Care Provider” prepared pursuant to section 7. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. Under no circumstance will an extension beyond the 12-week period be authorized pursuant to the Family and Medical Leave Act and Dakota County’s policy as outlined herein be granted.*

**ARTICLE XXXI ]**

**Nepotism**

Nepotism is not allowed in Dakota County. Hiring of immediate family shall include [ spouse, child, step-child, mother, father, stepparent, sister, brother, mother-in-law, father-in-law, grandchild, grandfather, grandmother, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. ]

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

Chair McLarty called for the Agenda Item “M+ Architects Ownership transition. Board to decide to have our HVAC upgrade contract for professional services remains with M+ Architects or chooses to have our contract released to Paul Martin”.

Commissioner Bousquet moved, seconded by Commissioner Rohde to request that M+ Architects release our HVAC upgrade contract for professional services to Paul Martin and that no bills are paid than what the contract states.

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

Chair McLarty called for the Agenda Item "Discuss time clocks for employees".

The Board discussed installing hardware for employees to clock in and out meaning at the beginning of the worker's shift and the end of his/her shift. There appeared to be interest in pursuing that and Joan Spencer and Ted Piepho will solicit information to see if this would be a fit for Dakota County.

The subject of having GPS on motor graders was mentioned and suggested that it be on the agenda

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports".

Commissioner McNear reported about the River cleanup.

Commissioner McLarty reported that he left a budget report on each members table.

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 called for the Agenda Item "Adjournment".

Commissioner McNear moved, seconded by Rohde to adjourn at 5:25 p.m.

ROLL CALL VOTE: McNear- Yea, Gomez- Absent, McLarty- Yea, Bousquet- Yea and Rohde- Yea. UNANIMOUS MOTION CARRIED. 5:25 p.m.



Dakota 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 14, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Rohde, Gomez and Ted Piepho Secretary. Absent: McNear.

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

Commissioner Bousquet moved, seconded by Commissioner Gomez to excuse Commissioner McNear for his absence.

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

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 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.

Rod Synder – Discuss 152<sup>nd</sup> Street maintenance and Gravel.

John Trecek - Resolution authorizing the issuance of Highway Allocation Fund Pledge Bonds by the County for the "C" Avenue paving project.

Terry & Kathy Luhr – Introduction of NE Culvers & Steel Culvert and Grader Blade Sales.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- Over expended budget resolution for Community Corrections Pre-trial.
  - Adopt Resolution 10C-09
- Discuss graveling 260<sup>th</sup> Street to the River. This is the road that leads to Homer's Boat Dock at the Missouri River.
- Discuss Time Clocks for employees. This is on as result of last meeting
- Discuss GPS in County owned equipment.
- Officials Reports

Tabled Items: No tabled items to consider

Commissioner's Committee Reports – These are reports by any Commissioner that serves on a working committee or serves as a Committee Member on some other Board or Organization and wishes to report any information affiliated with that committee.

Commissioner's Member Reports – These are reports by any Commissioner that wishes to share any County Business with other board members. Particular phone calls, road maintenance problems etc.

Public Comment – Comments by anyone other than Board Members on any item not on the Agenda.

Mail and/or Emergency Business

Adjournment

Chair McLarty called for the Agenda Item "Rod Synder – Discuss 152<sup>nd</sup> Street maintenance and Gravel and he did not show.

Chair McLarty called for the Agenda Item "John Trecek - Resolution authorizing the issuance of Highway Allocation Fund Pledge Bonds by the County for the (C) Avenue paving project".

Mr. John Trecek, with Ameritas Investment Corporation, noted that the Board had just awarded contracts to the C Avenue Improvements. The Engineer estimates for that project he thought was just under \$571,000 and some change. He said that when he was contacted he understood that the County wanted to keep the Bond payments in the \$70,000 a year range as the project moves forward. Highway Allocation Pledge Bonds that would be issued today would be \$580,000 which would cover all costs. He noted that the interest rates were shown in the resolution and they were from .85 percent the first year and 3.55 % for the bonds maturing in 2020. This establishes that the most debt service that the County has had in any one year is \$69,000 and never exceeded \$70,000 in all these years. The bond will be issued in \$5,000 increments and an optional payoff in five (5) years or anytime thereafter. Mr. Trecek said that we could call any of the bonds in after five (5) years even the ones with the highest interest rate.

Ms. Spencer reminded the Board that they will have phase II, which is about a million dollars in two years.

Commissioner Bousquet moved, seconded by Commissioner Gomez to accept and approve a ten year term for the Highway Allocation Pledge Bonds and to adopt Bond Resolution 10C-010 presented as follows and to authorize the Chair to sign all accompanying documents.

**RESOLUTION NO. 10C-010**

**A RESOLUTION PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, IN THE AMOUNT OF FIVE HUNDRED EIGHTY THOUSAND DOLLARS (\$580,000) FOR THE PAYMENT OF COSTS IN**



CONNECTION WITH THE CONSTRUCTION OF IMPROVEMENTS TO ROADS IN THE COUNTY OF DAKOTA; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE COUNTY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND; AGREEING TO LEVY TAXES; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS.

BE IT ORDAINED BY THE CHAIR AND BOARD OF COMMISSIONERS OF THE COUNTY OF DAKOTA, IN THE STATE OF NEBRASKA:

Section 1. The Chair and Board hereby find and determine: That the County is engaged in the construction of certain road improvements within the County and that the payment of a portion of the costs of said improvements is necessary, which costs will constitute valid obligations of the County; that the County does not have funds with which to pay the cost of the improvements and it is necessary and advisable for the County to borrow money and pledge the funds to be received from the Highway Allocation Fund to the payment of the bonds issued by the County for this purpose; that the total estimated cost necessary to be funded at this time, as certified by the engineer for the County and considering the costs of the bonds herein contemplated, is not less than \$580,000; that based upon current receipts by the County for its road funds from funds which are attributable to the State of Nebraska Highway Allocation Fund, the County anticipates receipts in future years which will exceed the payments due on the bonds herein authorized in each year; that the County currently has no bonds outstanding issued pursuant to Section 66-4,101, Reissue Revised Statutes of Nebraska, 2003 and that all conditions exist for the issuance of bonds in the amount of \$580,000 pursuant to Section 66-4,101, R.R.S. Neb. 2003.

Section 2. Bonds to be designated Highway Allocation Fund Pledge Bonds, in the amount of \$580,000, shall be and hereby are ordered issued, to bear date of original issue of July 14, 2010, and to be in fully registered form. Said bonds shall bear interest at the rates per annum and mature on July 15 of each year in the principal amounts as follows:

<u>Principal Amount</u>	<u>Maturing on July 15 of Year</u>	<u>Interest Rate Per Annum</u>
\$50,000	2011	
55,000	2012	
55,000	2013	
55,000	2014	
55,000	2015	
60,000	2016	
60,000	2017	
60,000	2018	
65,000	2019	
65,000	2020	

The bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the bonds issued shall be as directed by the initial purchasers thereof. Interest on the bonds shall be payable semiannually on January 15 and July 15 of each year, starting January 15, 2011. The interest due on each interest payment date shall be payable to the registered owners of record as of the close of business on the last day of the calendar month immediately preceding the calendar month in which the interest payment date occurs (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The County and said Paying Agent and Registrar may treat the registered owner of any bond as the absolute owner of such bond for the purpose of making payments thereon and for all other purposes and neither the County nor said Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such

bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the County and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any bond is not paid upon presentation of the bond at maturity or any interest installment is not paid when due, the delinquent bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2004, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The County Treasurer is hereby designated as Paying Agent and Registrar for the bonds. Said Paying Agent and Registrar shall keep and maintain for the County books for the registration and transfer of the bonds at the office of the Paying Agent and Registrar in Dakota City, Nebraska. The names and registered addresses of the registered owner or owners of the bonds shall at all times be recorded in such books. Any bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new bond or bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the bonds by this resolution, one bond may be transferred for several such bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such bonds may be transferred for one or several such bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a bond, the surrendered bond or bonds shall be cancelled and destroyed. All bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the County evidencing the same obligations as the bonds surrendered and shall be entitled to all benefits and protection of this resolution to the same extent as the bonds upon transfer of which they were delivered. The County and the Paying Agent and Registrar shall not be required to transfer bonds during any period from any Record Date until its immediately following interest payment date. In the event that payments of interest due on the bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing on or after July 15, 2015 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after July 14, 2015, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The County may select the Bonds to be redeemed from such optional redemption in its sole discretion but Bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. Any Bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the Chairperson and Board by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the Chairperson and Board designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the Chairperson and Board shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 5. If the date for payment of the principal or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The bonds shall be executed on behalf of the County by being signed by the Chair and the County Clerk, both of which signatures may be facsimile signatures, and shall have the County seal impressed on each bond. The County Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said bonds

which shall be delivered to the purchaser of said bonds. After being executed by the Chair and Clerk, said bonds shall be delivered to the Treasurer of the County who shall be responsible therefore under his/her official bond. Such Treasurer shall maintain a record of information with respect to said bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 2007, as amended, and shall cause the same to be filed with the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each bond in the name of its initial registered owner as designated by the initial purchaser. Each bond shall be authenticated on behalf of the County by the Paying Agent and Registrar. The bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers of the County are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the County, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the bonds. Upon issuance of the bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The County and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a bond from a Bond Participant while the bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) The accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the bonds, including any notice of redemption, or

(iii) The payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the bonds. The Paying Agent and Registrar shall make payments with respect to the bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the County, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the bonds or (ii) to make available bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such bonds shall designate.

(c) If the County determines that it is desirable that certificates representing the bonds be delivered to the ultimate Beneficial Owners of the bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Resolution to the contrary, so long as any bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such bond and all notices with respect to such bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the bonds may be delivered in physical form to the following:

- (i) any successor securities depository or its nominee; or
- (ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar’s Agreement.

(f) In the event of any partial redemption of a bond unless and until such partially redeemed bond has been replaced in accordance with the provisions of this Resolution, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such bond as is then outstanding and all of the bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the County of book-entry-only form, the County shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the County agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any bond shall cease to be such officer before the delivery of such bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such bond. The bonds shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar. The bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 7. Said bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
THE COUNTY OF DAKOTA

Bond No.                      HIGHWAY ALLOCATION FUND PLEDGE BOND                      \$

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
%	July 15, _____	July 14, 2010	

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That The County of Dakota, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity at the rate per annum specified above. Said interest shall be payable semiannually on the fifteenth day of January and July in each year, starting January 15, 2011. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2004, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon shall be paid on each interest payment date by the County Treasurer as Paying Agent and Registrar for the County, by wire transfer, check or draft mailed to the registered owner hereof, as of the close of business on the last day of the month immediately preceding the month in which the interest payment date occurs, at such owner’s registered address as it appears on the books of registration of the County. The principal of this bond and the interest due at maturity is payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent in Dakota City, Nebraska. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted

interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the County hereby pledges all receipts by the County which are attributable to the Highway Allocation Fund of the State of Nebraska. In the event such receipts for the Highway Allocation Fund are insufficient to meet the payments of principal and interest, the full faith, credit and resources of said County are hereby irrevocably pledged.

This bond is one of an issue of fully registered bonds of the total principal amount of \$580,000 of like tenor herewith except as to date of maturity and rate of interest, issued by said County for the purpose of paying the cost of road improvements constructed within the County of Dakota, in the State of Nebraska, and is issued pursuant to Section 66-4,101, R.R.S. Neb., 2003. This bond and the others of said issue have been duly authorized by a resolution duly passed and adopted by the Chair and Board of said County.

The County, however, reserves the right and option of paying bonds of this issue maturing on or after July 15, 2015, in whole or in part, on July 14, 2015, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the Resolution authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the resolution authorizing said issue of bonds, subject to the limitations therein prescribed. The County, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

AS PROVIDED IN THE RESOLUTION REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE RESOLUTION, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE RESOLUTION TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE RESOLUTION.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the County until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said County, including this bond, does not exceed any limitation imposed by law. This bond and the interest accruing hereon shall be payable from funds received by the County from the Highway Allocation Fund of the State of Nebraska which have been pledged to the payment of such principal and interest or from ad valorem taxes levied by the County, within applicable statutory limitations, as provided in Section 66-4,101, R.R.S. Neb., 2003. The County has reserved the right to issue additional bonds payable from receipts from the Highway Allocation Fund of the State of Nebraska, without limitation.

IN WITNESS WHEREOF, the Chair and Board of the County of Dakota, in the State of Nebraska, have caused this bond to be executed on behalf of the County by being signed by the Chair and Clerk of the County, both of which signatures may be facsimile signatures, and by causing the official seal of the County to be affixed hereto all as of the date of original issue shown above.

THE COUNTY OF DAKOTA,  
IN THE STATE OF NEBRASKA

By \_\_\_\_\_ (Do not sign)  
Chair

ATTEST:

\_\_\_\_\_  
(Do not sign)  
County Clerk

(S E A L)

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds authorized by a resolution passed and approved by the Chair and Board of the County of Dakota as described in said bonds.

\_\_\_\_\_  
(do not sign)  
County Treasurer, Dakota County,

Nebraska,

Paying Agent and Registrar

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.  
Date:

\_\_\_\_\_  
Registered Owner

**SIGNATURE GUARANTEED**

By \_\_\_\_\_  
\_\_\_\_\_  
Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Said bonds are hereby sold to Ameritas Investment Corp. (the "Underwriter") at \_\_\_\_\_% of the principal amount thereof, and the County Treasurer is authorized to deliver the bonds to said purchaser upon receipt of the said amount plus accrued interest to the date of payment. Said bonds are sold to the purchaser subject to the opinion of independent bond counsel that said bonds are lawfully issued; that said bonds constitute a valid obligation of the County; and that under existing laws and regulations the interest on said bonds is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the County as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The proceeds of the bonds herein authorized shall be used to pay the cost of improvements set out in Section 1 of this resolution.

Section 9. For the payment of the bonds, principal and interest as the same fall due, there are hereby pledged all receipts by the County which are attributable to the Highway Allocation Fund of the State of Nebraska. So long as the County has in each year made adequate provision for the payments of principal and interest due on the bonds falling due in such year, monies received by the County attributable to the Highway Allocation Fund may be applied for any other permitted purpose. The County reserves the right to issue additional bonds pursuant to Section 66-4,101, R.R.S. Neb., 2003 which shall also be secured equally and ratably with the bonds by a pledge of funds to be received by the County attributable to the Highway Allocation Fund without limitation. The County hereby agrees that, in the event that receipts by the County in any year attributable to the Highway Allocation Fund are insufficient to meet the payments of principal and interest falling due on the bonds, the County shall levy ad valorem taxes upon all taxable property in the County, at such rate or rates, within

applicable statutory limitations, as will provide funds which, together with receipts from the Highway Allocation Fund, will be sufficient to pay principal and interest on the bonds as they severally mature. The County reserves the right to issue bonds pursuant to Section 66-44,101, R.R.S. Nebraska, 2003 and Section 10-142, R.R.S. Nebraska, 2007 for the purpose of refunding the bonds herein authorized.

Section 10. The County of Dakota, in the State of Nebraska, hereby covenants to the purchasers and holders of the bonds hereby authorized that it will make no use of the proceeds of said bond issue, including monies held in any sinking fund for the payment of said bonds, which would cause said bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said bond issue. The County hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The County hereby designates the bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b) (3) (B) (i) (III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2010 in an amount in excess of \$30,000,000. The County Treasurer is hereby authorized to make allocations of bonds and bond proceeds with respect to said issue in accordance with the Regulations of the United States Treasury under Section 148 of the Code.

Section 11. This resolution shall be in full force and take effect as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Chair

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

(S E A L)

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

Mr. Trecek addressed the Board about another matter and that was that the 2005 Series Bond that the Board voted to refund last meeting and since there are over five million dollars in bonds that were issued in 2005, those bonds subject to Rebate Calculating and Reporting is necessary and he encouraged the Board to take that action at the next Board Meeting. The calculations should be complete and if the report needs to be filed, it needs to be filed within sixty days after the date of the Bonds, which put you at about 83 days before that report has to be filed with the IRS.

Chair McLarty called for the Agenda Item "Terry & Kathy Luhr representing NE Culvers & Steel Culvert and Grader Blade Sales."

Mr. and Mrs. Luhr stepped up to the podium and introduced themselves and the line of products that they handle and asked to be on the County's Bid List.

Chair McLarty called for the Agenda item "Approve minutes of previous meeting".

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the minutes of June 1, 2010 as prepared and type for the Official Record.

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

Commissioner Bousquet addressed the concerns that Rod Synder had and the Road Department is working on that road to resolve Mr. Snyder's issues.

Chair McLarty called for the Agenda Item "Approve Payroll Claims" and said that there were no discrepancies.

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

COUNTY GENERAL FUND: Gross salaries- \$132,082.45, General Fund Employees Net Pay- \$93,723.71, Employer deductions paid: Retirement- 9,225.93, FICA- 8,016.90, Medicare- 1,874.92, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.10, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 936.51, Bobbi Jo Harsma- 1127.98, Theodore Piepho- 1634.45, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Kim Kuehl- 1443.98, Phyllis Ridge- 982.52, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 976.13, Jeremy Bermel- 1680.65, Anthony Bos- 1974.68, Sandy Dickens- 463.70, Brian Ellinger- 2287.86, Penny Epting- 1953.52, Michael Estes-

1592.55, Brent Gilster- 2341.29, Todd Hammer- 1869.84, Richard Hansen- 1299.20, Melvin Harrison III- 2366.30, Rodney Herron- 1830.92, Jason James- 1977.29, Kimberly Johnson- 338.56, Jared Junge- 2078.75, Michael Kreegar- 2353.81, Gary Powell- 306.00, Gayle Richards- 871.20, Kevin Rohde- 2136.76, James Wagner- 1634.45, Randall Walsh- 1656.80, Kerry Johnson- 926.40, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Mary Spurlock- 590.58, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1572.58, Ermelinda Ballesteros- 1716.66, Mason Billings- 1062.79, Joshua Blatchford- 1322.64, Dusty Boyd- 1433.61, Rebecca Broer- 1533.83, Mario Cruz- 1151.63, Sandy Dickens- 802.43, Lisa Ford- 1473.66, Robert Foster- 1662.54, Ryan Foster- 1255.54, Linda Frost- 816.00, Alma Gunderson- 1498.86, Amber Hamman- 1609.61, Paula Harrigfeld- 607.37, Cathy Harsma- 1490.94, Deanna Haukap- 1117.31, Jeffrey Heitzman- 1341.39, Adam Hough- 1392.24, Michael Jacobson- 1051.05, Brett Johnson- 1491.67, Nicholas Kellen- 1191.96, Brenda Kelly- 1338.96, Terry Kern- 1923.08, Keith Klein- 1392.24, Mark Nelson- 1365.38, Travis Olander- 1433.61, Kimberly Peterson- 1407.12, Doyle Pilgrim- 979.20, Daniel Rodasky- 1433.61, Cody Roeber- 1161.68, Jutharatana Ruenprom- 1418.27, Linda Schovanec- 1299.20, Francis Tope- 1393.84, Jewel Williams- 1606.05, Matthew Wise- 1399.68, Cara Wood- 1489.40, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Shirley Voss- 1299.40.

GENERAL FUND: Employee withholding paid to: Federal- 11,903.86, State- 4,683.29, FICA- 8,016.90, Medicare- 1,874.92, Retirement- 6,254.05, Health Plan- 650.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 355.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac Health- 637.33, Aflac Life/Dsbl- 234.90 and Flex Plan Medical- 719.70, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,592.99, Road Employees Net Pay- \$10,956.45, Employer deductions paid: Retirement- 1,052.53, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 943.43, and Medicare- 220.63, Principal Mutual Life Insurance-

Brent Byroad- 1476.42, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1388.92, Willie Peters II- 1395.65, Leon Pies- 712.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,200.58, State- 498.97, FICA- 943.43, Medicare- 220.63, Retirement- 701.68, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 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 "Approve Accounts Payable Claims."

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

GENERAL FUND: Hubbard Post Office, postage- 58.09; Verizon, phone- 33.59; Pam Devries, mileage- 162.45; Hopkins, handbook- 83.90; Pacific City Graphics, envelopes- 128.50; Perkins, supplies- 29.99; Roxanne Voss, mileage- 95.00; Thomas Wente, physician fee- 500.00; American Red Cross, mask- 331.25; Deanna Beckman, hours- 1260.00; Daniel Christoffers, data entry- 41.20; Dakota County Star, help wanted- 52.00; Sioux City Journal, publishing- 1242.40; Thomson West, service- 557.93; Cable One, internet- 169.96; Fibercomm, phone- 1120.67; FSH Comm, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Hasler Financial, lease- 227.00; MIPS, support- 407.84; NACO, dues- 1457.53; NIRMA, work comp/liability/claim- 124585.05; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fee- 80.00; US Postal Service, postage- 2500.00; Kerry Bligh, animal control- 100.00; City of South Sioux City, fuel- 4801.61; Dakota County Sheriff, seals- 16.05; Dakota Food & Fuel, fuel- 436.73; Frame Aligners, service- 57.79; Fremont RV Center, step- 33.95; Fremont Tire, service/supplies- 1012.53; Harold's, film developing- 39.18; Jacks Uniforms, supplies- 238.90; Jackson Glass, repair- 25.00; Joes Dept Store, supplies- 49.74; MPH Industries, supplies- 99.29; Nebraska Crime Commission, directories- 15.00; Pet Spa, grooming- 50.00; RACOM corp., t1- 707.40; SFCU, brackets- 69.00; Stephan Welding, step unit- 250.00; Verizon, phone- 299.02; Wal-Mart, supplies- 35.88; Cartridge World, ink- 55.97; Dakota County Treasurer, copies- 66.20; Debra Fergen, meals/mileage/witness fees- 1899.81; H2O4U, water- 17.00; Susan Hunke, transcription- 61.75; Iowa Office Supply, contract- 103.65; NE County Attorney Assoc, training- 1896.00; New Perspectives, document destruction- 21.75; Sarah Meadows, meals- 63.22; Pathology Medical Services, autopsy costs- 3500.00; Peter Parry, phone- 40.00; Quill, supplies- 87.95; TriTech Innovations, repairs- 325.00; Verizon, phone- 121.49; Kim Watson, supplies/meals- 2000.56; City of South Sioux City, LEC cost share/equipment- 55017.96; AJ Phillips, cards- 45.00; BI Inc, monitoring- 516.69; Staples, supplies- 178.38; Verizon, phone- 79.37; Amsan, supplies- 1499.57; Aramark, admin- 52.34; Associated Fire Protection, supplies- 452.19; BI Inc, electronic monitoring- 323.95; Bob Barker, supplies- 525.41; Briggs, phone orders- 65.85; CBM Food Service, meals- 21618.66; Cash-Wa Distribution, meals- 69.88; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, meals- 13.56; Dakota Family Dentistry, medical- 620.00; Dakota Food & Fuel, fuel- 277.95; Dept of Correctional Servc, safekeepers- 5501.03; Sandy Dickens, mileage- 88.00; Fremont Tire, repairs- 5.95; Gill Hauling, service- 120.00; Amber Hamman, mileage- 72.10; Jacks Uniforms, supplies- 1660.55; Jackson Glass, glass- 157.24; Joes Dept Store, supplies- 29.04; Kleen Solutions, supplies- 149.85; Mercy Business Health, medical- 2035.50; Mercy Medical Center, medical- 30.00; MidAmerican Energy, utilities- 692.54; Midwest Office Automations, contract- 272.02; Moore Medical, medical- 411.75; NE Nebr Juvenile Serv, boarding- 1400.00; Nebraska Crime Commission, directories- 15.00; Nebr Public Power Dist, utilities- 2348.06; Net Sys Plus, repair- 1865.74; Sioux City Journal, publishing- 589.93; SFCU, fuel/meals- 106.30; Staples, supplies- 430.12; Text & Data Tech, software support- 2100.00; Trembly Pest Control, service- 35.00; TriState Comm, supplies- 2422.13; TriTech, cameras- 4900.00; Verizon, phone- 149.25; Wal-Mart, supplies/prescriptions- 1224.43; Wigman, supplies- 364.63; Woodbury Co Juvenile Det, boarding- 8400.00; Dakota County Star, publishing- 452.64; Holiday Inn Kearney, lodging- 76.95; Joan Spencer, mileage/meal- 259.49; Capital One, computer/monitor/supplies- 1290.10; Dell, computers- 2435.10;



Security Shredding, shredding- 140.00; Theodore Piepho, phone/mileage- 52.00; Perkins, supplies- 231.61; Staples, supplies- 158.93; AS Central Service, data storage- 65.00; Computer SOS, repair- 75.00; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 108.00; Ruth Jensen, prior yrs- 12.00; Mardell Sorenson, prior yrs- 26.00; Staples, supplies- 508.25; TerraScan, nodes- 200.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 240.00; Josephine Cain, mileage/messenger- 7.13; CoverOne, covers- 74.49; Dakota County Star, publishing- 5482.60; Sarah Reinert, reimburse- 7.48; Sioux City Journal, publishing- 364.98; Staples, supplies- 387.07; The Nelson Company, pallets- 225.80; Todd's Storeall, storage- 80.00; Arnie Mellick, phone- 30.00; Dakota Business Systems, lease- 99.00; Microfilm Imaging Systems, scanning- 308.84; Midwest Office Automations, copier- 634.17; Nebraska Crime Commission, directory- 7.50; Nebraska Law Review, volume- 66.00; New Perspectives, shredding- 24.75; Kurt Rager, laser printer- 686.68; Star Printing, envelopes- 157.00; William Binkard, supplies/postage- 81.35; Raul Escobedo, interpret- 25.00; Frank Gonzalez, interpret- 250.00; Perkins, supplies- 38.84; Dakota County Sheriff, papers/warrants- 712.22; Dakota County Court, costs- 753.30; Randy Hisey, court appointed counsel- 942.00; Kueny & Begley, court appointed counsel- 318.00; Stuart Mills, court appointed counsel- 2180.00; Douglas Roehrich, court appointed counsel- 762.00; Daniel Smith, court appointed counsel- 708.50; Richard Thramer, court appointed counsel- 258.88; Patrick Tott, court appointed counsel- 894.00; Cindy Weber-Blair, court appointed counsel- 1140.00; Ateam, repair- 2294.57; Benstar, supplies- 299.32; Bomgaars, repair- 110.17; Gill Hauling, service- 120.00; Grainger, repair- 787.75; Joes Dept Store, repair- 45.11; Menards, supplies- 699.82; MidAmerican Energy, utilities- 1357.00; New Idea Fabrication, repair- 300.00; Nebr Public Power Dist, utilities- 1789.18; Richard Jensen, mileage- 83.65; Share Corporation, supplies- 194.62; Trembly Pest Control, service- 50.00; Verizon, phone- 54.63; UNL Extension, reimburse- 3082.90; PMNRD, rent- 833.33; Road Improvement Fund, budget transfer- 105000.00; Weed Fund, budget transfer- 11000.00; Norm Waitt Sr YMCA, membership dues- 566.50; Jared Junge, ymca membership- 19.50; Fremont Tire, repair- 189.90; Hy-Vee, food- 75.82; Perkins, supplies- 293.67; District Court, claim list- 533.00; Thomas Fitch, court appointed counsel- 225.00; Randy Hisey, court appointed counsel- 460.50; Dennis Hurley, court appointed counsel- 735.00; Susan Hunke, work- 85.50; Stuart Mills, court appointed counsel- 4230.25; MIPS, scan- 85.00; Michael Schmiedt, court appointed counsel- 115.00; Security Shredding, shredding- 35.00; Stratton Law, court appointed counsel- 2155.64; Richard Thramer, court appointed counsel- 341.38; Cindy Weber-Blair, court appointed counsel- 540.00; Woodbury County Sheriff, personal service- 133.36;

ROAD FUND: Advance Auto, parts- 267.51; American Legion, flags- 65.00; Aramark, service- 393.67; AZ Inc, fuel- 256.00; Bank of Dixon, grader payment- 16351.76; Barkley Asphalt, asphalt- 504.63; Bierschbach, supplies- 142.00; Bomgaars, supplies- 33.99; Filter Care of NE, cleaning- 20.70; Frame Aligners Inc, parts/labor- 2506.55; Gill Hauling, service- 55.00; Green Light Truck Wash, maintenance- 73.00; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 3796.67; H2O4U, water- 8.50; Inland Truck Parts, parts- 93.07; J&J Pronto, fuel- 320.88; Jim Hawk Truck Trailers, parts- 11.52; Joes Dept Store, parts/oil- 174.52; Kinetic Leasing, loader/interest- 2458.00; Knife River, asphalt- 695.10; LG Everist, gravel- 82710.99; Linweld, oxy- 66.12; Marx Truck Trailer, parts- 613.15; Medical Enterprises, testing- 59.80; Marlan Millard, prior yrs- 15.00; Motion Industries, parts- 52.10; Motor Parts Central, supplies- 144.81; NAPA, supplies- 225.90; Nebr Public Power Dist, service- 27.44; NIRMA, workman's comp/gen liability share- 49167.95; Northeast Equip, tractor- 900.00; NE Nebr Public Power Dist, utilities- 194.60; Northeast Telephone, phone- 162.29; Peterson Sand & Gravel, gravel/snow- 22402.80; Pomp, tires- 1222.00; Powerplan, parts- 985.03; Rees Mack Sales, parts- 128.72; Siouxland Hydraulics, parts- 163.32; St Luke's Center for Occup Health, testing- 70.00; Verizon, phone- 57.11; Warren Oil, fuel- 4796.20; Jesse Wavrunek, refrigerator- 150.00;

ROAD IMPROVEMENT: LG Everist, gravel- 54313.66; Midwest Serv & Sales, culvert- 17938.46; Oban Construction, culvert- 29752.00;

VISITORS PROMOTION: South Sioux City Chamber of Commerce, lodging tax- 9533.84;

INSTITUTIONS: Beatrice State Dev Center, qtrly payment- 543.00;

EECBG: M Plus Architects, bidding/reimburse- 871.10; Dakota County Sheriff, supplies- 744.90;

PUBLIC SAFETY: City of South Sioux City, sales tax- 4031.31; Jail Bond Fund, sales tax- 29562.91; Fremont National Bank, principal/interest- 851512.50;

WEED FUND: Bomgaars, parts/supplies- 196.74; Central Valley Ag, chemicals- 2092.00; Dakota Business Systems, copier rental- 102.00; Hubbard Minimart, fuel- 380.00; Hubbard Post Office, postage- 150.00; J&J Pronto, fuel- 81.00; Motor Parts Central, repair- 11.12; Leon Pies, workshop- 10.00; Staples, supplies- 460.25; Van Diest Supply, chemical/prepay- 6676.50; Vegetation Management- spray equipment- 899.00.

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

Chair McLarty called for the Agenda Item "Over expended budget resolution for Community Corrections Pre-trial - Adopt Resolution 10C-09" and read the resolution, as follows:

**Community Corrections – Pretrial Budget Over-expended  
RESOLUTION 10C-009**

WHEREAS, the Community Corrections - Pretrial Department will exceed its budget with the payment of the submitted June, 2010, payroll and accounts payable claims; and,

WHEREAS, an emergency exists; and,

WHEREAS, the County Jail 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 County Jail of the General Fund to be utilized for the payment of the over expended budget of Community Corrections – Pretrial of the General Fund and that said budget be increased by \$2,500.00 from \$54,904.22 to \$57,404.22 for fiscal year 2009-2010.

BE IT FURTHER RESOLVED, that the Jail Budget be reduced by \$2,500.00 from \$2,759,580.72 to \$2,757,080.72 for fiscal year 2009-2010.

Passed and adopted this 14th day of June, 2010.

/s/ William I. McLarty  
William I. McLarty  
Dakota County Board of Commissioners

ATTEST:

/s/ Theodore A. Piepho  
Theodore A. Piepho  
County Clerk

Commissioner Rohde moved, seconded by Commissioner Bousquet to adopt Resolution 10C-009 as read by the Chair, which is to authorize the un-appropriated moneys of the County Jail of the General Fund to be utilized for the payment of the over expended budget of Community Corrections – Pretrial of the General Fund and that said budget be increased by \$2,500.00 from \$54,904.22 to \$57,404.22 for fiscal year 2009-2010.

BE IT FURTHER RESOLVED, that the Jail Budget be reduced by \$2,500.00 from \$2,759,580.72 to \$2,757,080.72 for fiscal year 2009-2010.

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

Chair McLarty called for the Agenda Item “Discuss graveling 260<sup>th</sup> Street to the River. This is the road that leads to Homer’s Boat Dock at the Missouri River.”

Kerry Longwell was the spokesperson for a delegation of residents from the Homer area. He expressed the need and importance of having a well maintained and graveled 260<sup>th</sup> Street to Homer’s Boat Dock on the Missouri River. He talked about the recent drowning of Dustin Pierce and the closest place to put in is Dakota City and when you think about a possible drowning that is too much time wasted. He also cited that Homer Rural Fire and Rescue has responsibility across the river and one year a deer hunter fell out of a tree and broke his back. That road is impassable if it rains and the Fire and Rescue needs to respond in emergency situations and be assured that they can get down that road.

It seemed to be the consensus of the board to upgrade that road from a minimum maintenance to a County Road and discuss what was needed to do that.

Commissioner Bousquet thought that was done before Pam Miller’s term on the Board ended.

Mr. Kellogg, Road Director, was going to look at this situation to find out if it was upgraded before Ms. Miller term expired or whether it needs to be done.

Chair McLarty called for the Agenda Item “Discuss Time Clocks for employees. This is on as result of last meeting” and Ms. Spencer had not had time to do any research on that issue.

Chair McLarty called for the Agenda Item “Discuss GPS in County owned equipment” and there was not time to research that issue.

Chair McLarty called for the Agenda Item “Officials Reports.”

Commissioner Rohde moved, seconded by Bousquet to acknowledge receipt of and to 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 April and May, 2010 and the Vet Third Quarter Report for January thru March, 2010.

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

Chair McLarty called for the Agenda Item “Tabled Items: No tabled items to consider.”

Chair McLarty called for the Agenda Item “Commissioner’s Committee Reports”.

Commissioner Gomez reported that the LEC Board was given a tour of the LEC Expansion Project and it was nice.

Commissioner Bousquet reported that there was not a Planning and Zoning Meeting scheduled for June.

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 called for the Agenda Item “Adjournment”.

Commissioner Bousquet moved, seconded by Gomez to adjourn at 4:38 p.m.

ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Yea. UNANIMOUS MOTION CARRIED. 4:38 p.m.



Dakota 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 28, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Rohde, Gomez, McNear and Ted Piepho Secretary. Absent: McNear.

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

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 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.

Andy Snyder with Smith Hayes, action on resolution 10C-011 for the purpose of refunding the Correctional Facilities Bonds Series 2005.

Rozy Warder - A social worker was contracted for the past 3 years with funding from a Safe Schools Healthy Students grant. The social worker engaged in diverse activities including (but not limited to) one on one therapy, working with families on social, emotional, or academic concerns, assisting families with paperwork to secure insurance or other funding to access community mental health services, addressing obstacles to learning with root causes other than academic. The position needs sustainability funding as the grant dollars will no longer be available. The position impacts the juvenile justice system, the number of civil commitments, the out of home placements, and number of adjudicated youth.

The purpose of the request to be placed on the agenda is to ask the County Commissioners to consider the continuation of the contract with county funds as a prevention strategy for the youth in the school system. The current contract is with Boys and Girls Homes and Family Services for \$55,000

- Commissioners to consider funding a contract for a social worker to serve the school age youth in the South Sioux City Community Schools beginning with the 2010-2011 school year.

Chris D. Berens, with Berens-Tate Consulting Group - Approve rebate calculations for the County's 2005 bond issue, 2005 Bond Series.

Jane Gilbert - CDBG Close Out of 05-ED-015 Siouxland Ethanol-Knox Boulevard

- Chair to sign Request for CDBG Funds - General Administration Only
- Chair to sign Nebraska Dept. of Economic Development Community Development Block Grant Customized Performance Review Monitoring Checklist

Jeff James – Electronic Engineering – Demo GPS in County vehicles – Approve GPS system if desirable

Rockford Nagel – Discuss the Jackson Bridge to the Tullis-Nagel Lane

- Repair bridge and new planks for safety of crossing and maintenance
- Clean up trees.

4:45 P.M. Closed session to discuss pending litigation – Conference Call

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims - Jury Claims
- Hazard Mitigation Resolution - approve participation in the proposed Multi-Hazard Mitigation Planning process Resolution 10C-012
- Time Clocks – Approve Time Card System

Tabled Items: No tabled Items.

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Commissioner Gomez moved, seconded by Commissioner McNear to approve the minutes of June 14, 2010 as typed and prepared for the Official 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 "Andy Snyder with Smith Hayes, action on resolution 10C-011 for the purpose of refunding the Correctional Facilities Bonds Series 2005".

Mr. Snyder said that he had hoped that he could present a resolution before the Board to go ahead with the refinancing of the Correctional Facilities Bonds Series 2005, but that these bonds were done in conjunction with South Sioux City and a Joint Public Agency; therefore, they would like them to approve the refinancing of the bonds. He then solicited permission to contact the City of South Sioux City and the Joint Public Agency for their permission to refinance the bonds.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve of Andy Snyder going to the City and Joint Public Agency to get their authorization to refinance the Correctional Facilities Bonds Series 2005.

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

It was discussed and the general consensus of the Board was that Commissioners Bousquet and Rohde were to be the County Board Members that sit on the Public Joint Agency. Originally Pam Miller and Lyle Todd were appointed as the Commissioners along with Sandra Ehrich to sit on the Public Joint Agency. (The correct name of the Agency maybe Dakota County Jail/Correctional Facility Agency)

Chair McLarty called for the Agenda Item "Rosy Warder - A social worker was contracted for the past 3 years with funding from a Safe Schools Healthy Students grant. The social worker engaged in diverse activities including (but not limited to) one on one therapy, working with families on social, emotional, or academic concerns, assisting families with paperwork to secure insurance or other funding to access community mental health services, addressing obstacles to learning with root causes other than academic. The position needs sustainability funding as the grant dollars will no longer be available. The position impacts the juvenile justice system, the number of civil commitments, the out of home placements, and number of adjudicated youth.

The purpose of the request to be placed on the agenda is to ask the County Commissioners to consider the continuation of the contract with county funds as a prevention strategy for the youth in the school system. The current contract is with Boys and Girls Homes and Family Services for \$55,000

- Commissioners to consider funding a contract for a social worker to serve the school age youth in the South Sioux City Community Schools beginning with the 2010-2011 school year."

Rosy Warder asked the Board to fund the salary of \$55,000 annually for a social worker and explained what the program entailed.

The Board briefly discussed the budget crunch that the County is in, but told Ms. Warder that it should be funded through the school.

Chair McLarty called for the Agenda Item "Chris D. Berens, with Berens-Tate Consulting Group - Approve rebate calculations for the County's 2005 bond issue, 2005 Bond Series".

Commissioner Bousquet moved, seconded by Commissioner Rohde to hire Berens – Tate Consulting Group to perform an arbitrage rebate calculation for both the Property Tax and Sales Tax for the Dakota County Correctional Facilities 2005 Series Bonds and to provide the necessary reports for Dakota County to refinance said bonds.

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

Chair McLarty called for the agenda item "Jane Gilbert - CDBG Close out of 05-ED-015 Siouxland Ethanol-Knox Boulevard

- Chair to sign Request for CDBG Funds - General Administration Only

Chair to sign Nebraska Dept. of Economic Development Community Development Block Grant Customized Performance Review Monitoring Checklist.

Christy Quinn appeared in the place of Jane Gilbert and asked the Board to sign the request for CDBG Funds and to sign the Nebraska Dept. of Economic Development Community Development Block Grant Customized Performance Review Monitoring Checklist.

Commissioner Bousquet moved, seconded by Commissioner Gomez for the Chair to sign the Request for CDBG Funds and to sign Nebraska Dept. of Economic Development Community Development Block Grant Customized Performance Review Monitoring Checklist.

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" and said that there were no discrepancies.

Commissioner McNear moved, seconded by Commissioner Gomez to approve the Payroll Claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$124,179.87, General Fund Employees Net Pay- \$88,998.52, Employer deductions paid: Retirement- 8,652.40, FICA- 7,548.61, Medicare- 1,765.37, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 200.80, Principal Mutual Life Insurance- 1,223.03.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 477.20, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 477.20, Marisol Curiel- 958.40, Darlene Davis- 930.41, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Phyllis Ridge- 905.96, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1645.11, Anthony Bos- 2267.00, Sandy Dickens- 463.70, Brian Ellinger- 1721.89, Penny Epting- 1788.41, Michael Estes- 1384.80, Brent Gilster- 1755.89, Todd Hammer- 2021.04, Richard Hansen- 389.76, Melvin Harrison III- 1860.96, Rodney Herron- 1830.92, Jason James- 1568.93, Kimberly Johnson- 634.80, Jared Junge- 1705.04, Michael Kreegar- 1600.80, Gary Powell- 288.00, Gayle Richards- 871.20, Kevin Rohde-

1978.36, James Wagner- 1634.45, Randall Walsh- 1874.27, Kerry Johnson- 909.03, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1133.84, Ermelinda Ballesteros- 1538.46, Mason Billings- 1106.33, Joshua Blatchford- 1279.08, Dusty Boyd- 1967.00, Rebecca Broer- 1299.24, Mario Cruz- 1092.92, Sandy Dickens- 864.04, Marjorie Donahue- 457.88, Lisa Ford- 1306.42, Robert Foster- 1298.55, Ryan Foster- 1154.94, Linda Frost- 816.00, Alma Gunderson- 1314.72, Amber Hamman- 1399.45, Paula Harrigfeld- 506.14, Cathy Harsma- 1306.80, Deanna Haukap- 1249.88, Jeffrey Heitzman- 1191.53, Adam Hough- 1226.78, Michael Jacobson- 1106.33, Brett Johnson- 1286.39, Nicholas Kellen- 1461.24, Brenda Kelly- 1735.47, Terry Kern- 1923.08, Keith Klein- 1226.78, James Kleinberg- 553.16, Mark Nelson- 1365.38, Travis Olander- 1344.56, Kimberly Peterson- 1223.06, Doyle Pilgrim- 905.76, Daniel Rodasky- 1246.09, Cody Roeber- 1106.33, Jutharatana Ruenprom- 1342.02, Timothy Ryan- 221.27, Linda Schovanec- 1299.20, Francis Tope- 1223.36, Jewel Williams- 1252.80, Matthew Wise- 1223.06, Cara Wood- 1274.94, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 751.45, Shirley Voss- 1131.50.

GENERAL FUND: Employee withholding paid to: Federal- 10,332.18, State- 4,231.27, FICA- 7,548.61, Medicare- 1,765.37, Retirement- 5,858.42, Health Plan- 650.00, DC Dental Plan- 504.00, Colonial Health- 16.20, Sheriff Union Dues- 340.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac Health- 518.25, Aflac Life/Dsbl- 152.86 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,431.66, Road Employees Net Pay- \$10,844.37, Employer deductions paid: Retirement- 1,041.64, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 933.41, and Medicare- 218.29, Principal Mutual Life Insurance- 219.22.

Brent Byroad- 1464.08, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1419.58, James Swanson- 1276.00.

ROAD FUND: Employee withholding paid to: Federal- 1,177.66, State- 492.27, FICA- 933.41, Medicare- 218.29, Retirement- 694.42, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 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 "Approve Accounts Payable Claims – Jury Claims."

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

GENERAL FUND: Total Jury Claims: \$17,070.79 Harlan Allison. Betty Bass, Henry Beekman, Janice Biederman, Matt Broekhaus, Janice Cain, Ken Conley, Kent Crosgrave, Cecil Demke, Chad Donnelly, David Donnelly, Michael Floyd, Kathy Foreman, Deborah Garnard, Donald Gatzemeyer, Kevin Hansen, Carol Havelaar, Matthew Hendrick, Karen Heeney, Gerald Heinemann, Linda Jump, Stanley Kotalik, Tamara Lane, Theresa Lederer, Jason Leshner, Alvin Leyine, Jennifer Lindgren, James Lucas, Chad Luschen, Todd Martin, Diane McCulloch, Ted McDonald, Traci McDonald, James McGinty, Tom McGuire, Daniel McTaggart, Andrew Miller, Terry Mogensen, Deborah Moore, Kristie Orr, Penny Parker, Douglas Pieper, Aaron Reis, Tammy Reis, Sean Sanford, Tim Schnee, Julie Schram, Alana Scott, Sarah Stahle, Tammie Strong, Patricia Tedger, Brenda Tiefenthaler, Alan VanDiemen, Roxanne Vondemheen, Mary Warner, Jill Watkins, Tricia Yonke, Todd Baker, Michael Barber, Georgia Blum, Erin Bowman, Terry Boyd, Dave Bracht, Amy Brand, Vern Bright, Larry Brostad, Marcella Broyhill, Cheryl Cale, Tamara Carson, Jo Chernock, Craig Cink, Amy Conley, Stan Copple, Peggy Demke, Leonard Denker, Kristi Donelson, Traci Emmons, Lorena Fernandez, Erma Fitch, Melissa Fogarty, Fred Gay, Ginger Huggenberger, Michael Hartman, Rhonda Hassebrook, Kimberly Hassler, Shelby Jackson, Steven Jensen, Shawn Kampfe, Richard Koch, Bonnie Kubik, Gaylene Kunzie, Linda Langmack, Lizbeth Lemus, Mark Lethcoe, Dawn Maslonka, Carrie Matney, Charles McWilliams, Donna Meyers, Danielle Miller, Molly Miller, James Morgan, Janice Olson, Terry Person, Jeffrey Salmen, Diane Smith, Roger Spencer, Linda Stouffer, Toby Varvais, Sandra Villarreal, Richard Voss, Naomi Whalen, Richard Wiseman, Debra Zanfes, Paddy Donlen, Tracey Jensen, Mark Clark, Patrisha Clem, Colleen Clifford, Lori Curry, Stephanie Dahl, David Denker, Christopher Dobney, Robert Engel, Kathy Eriksen, Michaela Fogerty, Larry Foster, Rodney Fredricksen, Randall Goddard, Steven Hartnett, Barbara Hayes, Jeffrey Havel, Brian Hilton, Maryann Hirsch-Creswell, Jodie Hoch, Anne Hoelsing, Joyce Hogue, Jean Hornbeck, Lori Humphrey, Tyler Hutson, Nicholas Johnson, Sandra Jones, Brenda Kassing, Mary Koenigsfeld, Julie Krogh, Cheryl Kulnar, Heather Martineck, Tim Mast, Kathy Matthews, Sonjia McCandless, Linda McCoy, Edward McMahan, Linda Mildorfer, Melony Moore, Belinda Munoz, Timothy Murphy, Diana Nelson, Alan Nobbe, Ashley O'Dell, JoDee Orr, Stephanie Ott, Jackie Reller, Gary Riibe, Carla Schleisman, Timothy Schram, Jack Sell, Carolyn Starks, Rhonae Tarno, Tammy Warren, Teresa Waterbury, Stephan Watkins, Todd Weaver, Doungchay Xayabanha- JUROR FEES- 16,315.75; Charlotte Doenhofer, Shirley Sides- BALIFF FEES- 755.06;

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

Chair McLarty called for the Agenda Item "4:45 P.M. Closed session to discuss pending litigation – Conference Call"

Commissioner Bousquet moved, seconded by Commissioner McNear to convene into Closed Executive Session at 4:42 p.m.

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 reconvene in open session at 4:58 p.m.

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

Chair McLarty called for the Agenda Item "Rockford Nagel – Discuss the Jackson Bridge to the Tullis-Nagel Lane

- Repair bridge and new planks for safety of crossing and maintenance
- Clean up trees."

Rocky Nagel appeared before the Board concerning the entrance to his and Karen Tullis property. He mentioned that some years ago their house burnt down because the fire department would not cross the bridge. He said that service is less than adequate. He referenced that Ms. Tullis had a seizure and luckily there was someone that knew about going around and coming in on the emergency entrance adjacent to the railroad tracks. He asked that the County make more of an effort of keeping the bridge up. He cited that trees had fallen across the entrance and he called the Road Department and they just shoved them back on private property.

Fred Kellogg said that the trees came off private property and so they shoved them back on to private property.

Bill Rohde along with Fred Kellogg, Road Director, will look at the situation.

Chair called for the Agenda Item "Hazard Mitigation Resolution - approve participation in the proposed Multi-Hazard Mitigation Planning process Resolution 10C-012."

The County Clerk noted that this would be Resolution 10C-011 because Resolution 10C-011 scheduled for earlier could not be approved.

Commissioner Gomez moved, seconded by Commissioner McNear to adopt Resolution 10C-011 approving participation in the proposed Multi-Hazard Mitigation Planning process, as follows:

RESOLUTION 10C-011 FOR PARTICIPATION IN  
PAPIO-MISSOURI RIVER NRD MULTI-HAZARD MITIGATION PLAN

Whereas, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure, and

Whereas, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and

Whereas, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities,

Therefore, be it resolved the Dakota County Board of Commissioners hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.

IN WITNESS WHEREOF, this resolution was approved and executed this 28th day of June, 2010.

\_\_\_\_\_  
Board Chairperson

\_\_\_\_\_  
(Attest)

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

Chair McLarty called for the Agenda Item "Time Clocks – Approve Time Card System".

Mr. Bousquet and Joan Spencer had not had time to visit with the Elected Offices so it was to be carried on the next meeting's agenda.

Jeff James did not appear for the subject of GPS's for the County vehicles. Therefore it was desired that it be carried on the next meeting's agenda.

There were no tabled items to consider.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports".

Commissioner Rohde said that the Safety Committee met and they reviewed all accidents in the last quarter.

Chair McLarty called for the Agenda Item "Commissioner's Member Reports".

Commissioner McLarty informed the board that the City of Dakota City will be having a hearing on July 19<sup>th</sup>, not the 12<sup>th</sup> as previously advertised, at 5:30 p.m. and it has to do with their redevelopment plan.

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 called for the Agenda Item "Adjournment".

Commissioner Gomez moved, seconded by McNear to adjourn at 5:20 p.m.  
ROLL CALL VOTE: McNear- Absent, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Yea.  
UNANIMOUS MOTION CARRIED. 5:20 p.m.



Dakota 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 12, 2010, 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 4:20 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Rohde, Gomez, McNear and Ted Piepho Secretary. Absent: None.

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

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 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

Terry Kern – Correctional Director

- Approve the contract with CBM Foods for the jail covering the contract year January 1, 2011 to December 31, 2011.
- Approve Employment Agreement between Terry Kern and the County.

Jesse Finken with Electronic Engineering – GPS for County Vehicles and Equipment

Bob Denton - County Aid Enhancement Grants (1) Gang Curriculum and (2) Graffiti Removal

- Approve Chair to sign Grant Award paperwork

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Claims
- Discuss Time Clocks for County Employees and approve if desired
- Decide date for members to meet as Board of Equalization – Date proposed by Clerk, Friday, July 23, 2010.
- Jail Tour – The Board has to tour the jail in July pursuant to Nebraska Statute.

Tabled Items: No Tables Items

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the minutes of June 28, 2010 as typed and prepared for the Official Record.

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

UNANIMOUS MOTION CARRIED.

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Chair McLarty called for the Agenda Item "Approve the contract with CBM Foods for the jail covering the contract year January 1, 2011 to December 31, 2011", as follows:

**AMENDMENT TO  
FOOD SERVICE CONTRACT BETWEEN  
DAKOTA COUNTY NEBRASKA AND CBM MANAGED SERVICES**

This amendment to the original contract is entered into this 4<sup>th</sup> day of February, 2010 by and between Dakota County Nebraska at 1601 Broadway, Dakota City, Nebraska 68731 and Catering By Marlins, Inc., d.b.a. CBM Managed Services 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, 2011 through December 31, 2011). New prices will take effect on January 1, 2011.

Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
Current Price	\$1.97	\$2.05	\$2.12	\$2.24	\$2.36	\$2.52	\$2.70
Inmate Population	140 +	130-139	120-129	110-119	100-109	90-99	80-89
CPI Rate Adjustment of 2.0%	\$2.01	\$2.09	\$2.16	\$2.28	\$2.41	\$2.57	\$2.75

*CPI Rate Adjustment 2.0%*

These prices were calculated according to the Consumer Price Index, Midwest Region, Food Away from Home for the previous twelve months.

A minimum price adjustment of 2% may be applied when the Consumer Price Index for Food Away from Home falls below 2%. Additional adjustments may be made where circumstances beyond the control of either party require adjustments due to a federally mandated legislation for medical coverage and any other uncontrollable circumstances.

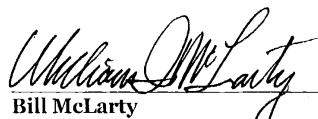
This amendment shall be attached to the original contract as an addendum and all other original contract provisions shall remain in full force and effect.


Dated this 12 day of July, 2010


Dated this 18<sup>th</sup> day of June, 2010

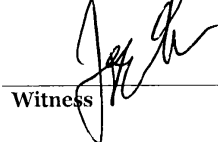
DAKOTA COUNTY, NEBRASKA:

CBM FOOD SERVICE:

  
Bill McLarty

  
Shane V. Sejnowski  
President of Corrections

  
Terry Kerns  
Jail Administrator

  
Witness

Commissioner Bousquet moved, seconded by Commissioner McNear to approve the Contract with CBM Foods raising the cost of meals from; \$1.97 to \$2.01 for 140+, \$2.05 to \$2.09 for 130 to 139, \$2.12 to \$2.16 for 120 to 129, \$2.24 to \$2.28 for 110 to 119, \$2.36 to \$2.41 for 100 to 109, \$2.52 to \$2.57 for 90 to 99 and \$2.70 to \$2.75 for 80 to 89, as presented and to authorize the Chair to sign said Contract. 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 Employment Agreement between Terry Kern and the County, as follows:

**EMPLOYMENT AGREEMENT**

This Employment Agreement ("Agreement") is entered into on this 12<sup>th</sup> day of July, 2010, between Dakota County, Nebraska ("County"), a political subdivision, and Terry Kern ("Employee"), of Sioux City, Iowa.

**WITNESSETH**

WHEREAS, County wishes to retain the Employee's services;  
WHEREAS, Employee is willing to continue his current position and work for County as the Director of Corrections/Jail Administrator on the basis stated herein;

NOW, THEREFORE, in consideration of mutual covenants and representations contained herein, the receipt and adequacy of which is hereby acknowledged, it is mutually agreed as follows:

**ARTICLE I  
EMPLOYMENT**

1. Employment. County will employ Employee as the Director of Corrections/Jail Administrator upon the terms and conditions as set forth in this Agreement. Employee will devote his full energy, skill, and best efforts to the County's affairs as reasonable and customarily required for his position. Except for seminars, conferences, or other travel required for Employee to perform his duties as Director of Corrections/Jail Administrator, Employee shall principally perform his services hereunder in Dakota City, Nebraska.

**ARTICLE II  
COMPENSATION AND BENEFITS**

2. Base Compensation. During the Term of this Agreement, County shall pay to Employee an annual base salary of \_\_\_\_\_ ("Base Compensation"), with annual increases as the Board of Commissioners determines each year. County will pay Employee in accordance with its customary payroll practices, as they may be modified from time to time, but in installments no less frequently than monthly.

2.2 Reimbursement of Business Expenses.

(a) General Expenses. County shall reimburse Employee for such reasonable and necessary expenses as Employee incurs in the course of his employment, including, but not limited to, travel expenses and sustenance when traveling on County business in accordance with the Dakota County Employee Handbook and mileage reimbursement per IRS guidelines.

(b) Cellular Phone. County agrees to make available a cellular phone for Employee's use. County will retain ownership of said cellular phone and shall bear all contract expenses relating to ownership and operation of said cellular phone as long as Employee complies with said cellular phone contract. County will retain ownership of said cellular phone in the event of termination of this Agreement.

(c) Facilities and Equipment. Employee shall be furnished with facilities, equipment, and personnel which are reasonably adequate for the performance of Employee's duties as Director of Corrections/Jail Administrator and in accordance with jail standards.

(d) Seminars and Conferences. County shall pay all direct expenses Employee incurs to attend conferences, meetings, seminars, and other gatherings necessary to continue Employee's employment with County. These expenses shall include seminar or conference fees, travel expenses, lodging, and meals in accordance with the Dakota County Employee Handbook.

2.3 Vacation. During the Term of this Agreement, Employee shall be entitled to all paid holidays observed by County and paid vacation in accordance with the Dakota County Employee Handbook.

2.4 Employee Welfare and Pension Plans. Employee shall be entitled to participate in the insurance, sick leave, and retirement benefits in accordance with the Dakota County Employee Handbook.

**ARTICLE III  
TERM AND TERMINATION**

3 Term and Termination. This Agreement shall begin on the date it is entered into between Employee and County and shall terminate on July 1, 2013, ("Term") subject to earlier termination as provided herein.

3.1 Termination on Death. Employee's employment under this Agreement shall terminate on the date of Employee's death and no further accrual of benefits or payments under this Agreement shall be due Employee as of that date.

3.2 Termination by County for Cause. County may terminate Employee's employment hereunder at any time for cause ("Cause"). For purposes of this Agreement, Cause means:

(a) An act of willful malfeasance or gross misconduct with respect to the performance of Employee's duties and responsibilities under this Agreement;

(b) Embezzlement or fraud against County; or

(c) Conviction of or pleading guilty or nolo contendere to any crime constituting a felony.

3.3 Termination by Mutual Agreement of the Parties. This Agreement may be terminated at any time by mutual agreement of Employee and County and no further benefits or payments under this Agreement are due Employee as of the date of termination.

**ARTICLE IV  
MISCELLANEOUS**

4.1 Indemnification. During the Term of this Agreement, Employee shall be entitled to be included as an insured under County's liability insurance coverage and will be provided the same insured status and liability insurance coverage availability same as, no more than and no less than, any other County employee. If any legal action shall be brought against Employee based upon the negligent error or omission of Employee while in the performance of his lawful duties for County, County will defend him against such actions, and if a final judgment is rendered against Employee, County will pay such judgment on his behalf and will have no right to restitution from Employee.

4.2 Notices. Any and all notices and any other communication provided for in this Agreement shall be given in writing either hand delivered, sent by overnight courier or by US certified mail with return receipt requested and addressed, in County's case, to County's principal office, and in Employee's case, to Employee's residence as listed in County's records. Any notice hand delivered shall be deemed given on that date. Any notice sent by overnight courier shall be deemed given on the date sent. Any notice given by US certified mail with return receipt requested shall be deemed given on the date listed on the return receipt.

4.3 Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions. The Agreement shall be construed in all respects as if such invalid or unenforceable provision was omitted.

4.4 Entire Agreement. This Agreement constitutes the complete and entire understanding of the parties concerning County's employment of Employee.

4.5 Modification. No valid change or modification shall be made to this Agreement unless the same is in writing and signed by County and Employee.

4.6 Persons Bound by Agreement. This Agreement shall be binding upon and shall benefit County and Employee.

4.7 Governing Law. The provisions of this Agreement shall be governed by the laws of the State of Nebraska. Any court proceedings or litigation arising out of or pertaining to this Agreement shall be brought in a court of competent jurisdiction in Dakota County, Nebraska.

4.8 Paragraph Headings. The paragraph headings contained in this Agreement are for reference only and shall not be construed to affect the interpretation of any substantive provision of this Agreement.

DAKOTA COUNTY, NEBRASKA, a political subdivision,

William I. McLarty, Chair  
Board of Commissioners

EMPLOYEE

Terry L. Kern

Commissioner Rohde moved, seconded by Commissioner Gomez to approve the agreement with Terry Kern as presented and to authorize the Chair to sign same.

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

Chair McLarty called for the Agenda Item "Jesse Finken with Electronic Engineering – GPS for County Vehicles and Equipment.

Mr. Finken advised the board of what the County could all do with GPS Units installed in County vehicles. One of the major considerations that the Board liked was the fact that locators could be put at different locations and the system could report how many times and when roads were graded. That would provide valuable information to the board.

It was discussed that this equipment could also be installed in the Sheriff cars and can be used in engine diagnostics and maintenance records.

The County can purchase the units and system, or can opt to rent them. The Board wanted the item carried on the next agenda for an action item.

Chair McLarty called for the Agenda Item "Bob Denton - County Aid Enhancement Grants (1) Gang Curriculum and (2) Graffiti Removal".

- o Approve Chair to sign Grant Award paperwork"

Bob Denten, District Probation Officer, appeared before the Board representing the Dakota County Juvenile Services Team.

He mentioned the Juvenile Services Plan that they had to submit at the end of 2008, which was required in order for them to get grant money that pays for the Diversion Program and for the pretrial services that Kerry overseas with Caterina Chapman.

The Team submitted the three year plan to the Crime Commission and the Crime Commission approved that plan January of 2009 and the Plan is good until December 2011 and he emphasized that the plan allows Dakota County to be eligible for grants from the Crime Commission, which currently funds Caterina's Position.

He provided the Board with handouts but they were not shared with the Secretary other than him making reference to them verbally.

He said that they (the Team) applied for two grants from the Nebraska Crime Commission and they were listed on the last page. The first being Gang Prevention Curriculum, which was approved by the Crime Commission in the amount of \$5,057 and no matching funds are required from the County. He said that the only requirement of the County is that the County Board Chair sign that for approval. Mr. Denton described the flow of the money after it comes to the County.

The second grant is for graffiti removal in the amount of \$3,541 and no matching funds are required from the County. He said that the only requirement of the County is that the County Board Chair sign that for approval. He described the flow of the money after it comes to the County.

Commissioner Rohde moved, seconded by Commissioner McNear to acknowledge receipt of the grant award for Gang Prevention Curriculum in the amount of \$5,057 and the grant award for graffiti removal in the amount of \$3,541 and to authorize the Chair to sign the Grant Awards.

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

Chair McLarty called for the Agenda Item "Approve Payroll Claims".

Commissioner Gomez moved, seconded by Commissioner Bousquet to approve the payroll Claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$130,243.53, General Fund Employees Net Pay- \$93,068.90, Employer deductions paid: Retirement- 9,086.39, FICA- 7,924.49, Medicare- 1,853.27, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 200.85, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 564.40, Tracey Corkin- 477.20, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 477.20, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Phyllis Ridge- 925.10, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 2083.90, Anthony Bos- 2088.60, Sandy Dickens- 463.70, Brian Ellinger- 1983.05, Penny Epting- 2267.29, Michael Estes- 1499.04, Brent Gilster- 1975.24, Todd Hammer- 2004.70, Richard Hansen- 412.97, Melvin Harrison III- 2087.89, Rodney Herron- 1830.92, Jason James- 1921.07, Kimberly Johnson- 510.49, Jared Junge- 2231.16, Michael Kreegar- 1636.00, Gayle Richards- 871.20, Kevin Rohde- 1717.81, James Wagner- 1634.45, Randall Walsh- 2122.27, Kerry Johnson- 926.40, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1377.31, Ermelinda Ballesteros- 1486.73, Mason Billings- 1168.34, Joshua Blatchford- 1333.19, Rebecca Broer- 1484.21, Mario Cruz- 1127.09, Sandy Dickens- 780.70, Marjorie Donahue- 1381.88, Lisa Ford- 1503.77, Robert Foster- 1529.32, Ryan Foster- 1307.58, Linda Frost- 813.45, Alma Gunderson- 1541.07, Amber Hamman- 1508.73, Paula Harrigfeld- 610.43, Cathy Harsma- 1525.87, Deanna Haukap- 1453.24, Jeffrey Heitzman- 1402.60, Adam Hough- 1247.39, Michael Jacobson- 1106.44, Brett Johnson- 1285.56, Nicholas Kellen- 1373.57, Brenda Kelly- 1421.26,

Terry Kern- 1923.08, Keith Klein- 1417.00, James Kleinberg- 1189.35, Mark Nelson- 1365.38, Travis Olander- 1263.87, Kimberly Peterson- 1248.71, Doyle Pilgrim- 948.60, Daniel Rodasky- 1459.41, Cody Roeber- 1182.72, Jutharatana Ruenprom- 1779.57, Timothy Ryan- 1179.92, Linda Schovanec- 1332.24, Francis Tope- 1419.68, Jewel Williams- 1458.74, Matthew Wise- 1413.94, Cara Wood- 1277.92, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 728.85, Shirley Voss- 1304.88.

GENERAL FUND: Employee withholding paid to: Federal- 11,210.24, State- 4,570.12, FICA- 7,924.49, Medicare- 1,853.27, Retirement- 6,155.95, Health Plan- 650.00, DC Dental Plan- 504.00, Colonial Health- 16.20, Sheriff Union Dues- 340.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac Health- 518.28, Aflac Life/Dsbl- 152.89 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,696.08, Road Employees Net Pay- \$11,019.78, Employer deductions paid: Retirement- 1,059.48, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 949.82, and Medicare- 222.13, Principal Mutual Life Insurance-

Brent Byroad- 1316.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1776.60, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1455.48, James Swanson- 1168.00.

ROAD FUND: Employee withholding paid to: Federal- 1,221.03, State- 505.74, FICA- 949.82, Medicare- 222.13, Retirement- 706.33, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 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 "Approve Accounts Payable Claims".

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

**GENERAL FUND**: Staples, supplies- 340.88; District Court, reimburse- 15.00; Debra McCarthy, dues- 25.00; Judy Beutler, equipment rental- 10.00; Julie Breiner, witness fee- 35.15; CBM Food Service, food- 1402.00; Valerie Danielson, food- 126.10; Executive Tech, toner- 199.00; Oscar Fonseca, witness fee- 26.06; Raul Gonzalez, witness fee- 35.15; Glen Hardin, witness fee- 35.15; Hungry's, jury meals- 478.55; Hyvee, food- 337.49; Melissa Levering, witness fee- 32.12; Martin Medina, witness fee- 25.05; MIPS, conversion package- 85.00; Nebraska Supreme Court, appeal- 125.00; Briss Paniagua, witness fee- 200.04; Ahmed Saeed, witness fee- 23.03; Shirley Sides, MH Board- 60.00; Pat Slaughter, MH Board- 65.50; University of Nebr Medical Center, witness fees- 1300.00; Leonardo Verdugo-Guicho, witness fee- 200.40; Verizon, phone- 65.74; Luken Memorials Inc, grave markers- 950.00; Edward McMahan, James Lucus, Traci McDonald, Brian Hilton, Maryann Creswell-Hirsch, Richard Wiseman, Craig Cink, Todd Weaver, Shelby Jackson, Kimberly Hassler, Deborah Moore, DOUNGCHAY XAYABANHA, Diane McCulloch, Mike Floyd, Douglas Pieper, JUROR FEES- 5094.68; Bob Decker, Shirley Sides, BALIFF FEES- 1012.88;

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

Chair McLarty called for the Agenda Item "Discuss Time Clocks for County Employees and approve if desired".

Mr. Bousquet had not had a chance to meet with the Elected Officials yet, and asked that it be carried on the next agenda.

Chair McLarty called for the Agenda Item "Decide date for members to meet as Board of Equalization – Date proposed by Clerk, Friday, July 23, 2010."

The Board of Commissioners discussed when they would like to meet as Board of Equalization and they agreed to meet July 23<sup>rd</sup>, 2010 at 8:00 a.m. in the morning.

Chair McLarty called for the Agenda Item "Tabled Items" and there are no items on the table.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports".

Commissioner Rohde said that the Budget Committee met.

Chair McLarty called for the Agenda Item "Commissioner's Member Reports".

Commissioner Bousquet reported that there was no P & Z Meeting this month and that the LEC Board met. He said that the construction was going well.

Commissioner McLarty reported that he laid a budget report on everyone's table and said that the Election Officials and Department Head were all under budget and praise their efforts on conserving money.

Chair McLarty called for the Agenda Item "Public Comment" and there were none.

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

Chair McLarty called for the Agenda Item "Jail Tour – The Board has to tour the jail in July pursuant to Nebraska Statute".

The Board left the Meeting Room at 4:56 p.m. for a jail tour. Chair McLarty did not participate in the tour, therefore was absent.

The Director of Corrections escorted the remaining four members through the old jail. There were no inmates in the North part and there were seven (7) male inmates in the south, three (3) on one side and four (4) on the other side.

The Commissioner's Remarks were that the old jail was very clean.

Vice Chair Bousquet called for the Agenda Item "Adjournment".

Commissioner Gomez moved, seconded by Rohde to adjourn their meeting of July 12, 2010 at 5:07 p.m.  
ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Absent, Bousquet- Yea and Rohde- Yea.  
UNANIMOUS MOTION CARRIED. 5:07 p.m.



Dakota 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 26, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Rohde, Gomez, McNear and Ted Piepho Secretary. Absent: None.

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

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 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

David Boschult NDA Inspector for Region Three - Evaluation and Annual Noxious Weed Report

Robert Giese, County Treasurer – Semi Annual Report

Acknowledge receipt of, approve and Board Members to sign said report to be published.

Open Bids on G Avenue that were advertised to be opened at 4:15 P.M. Dakota County Road Dept is accepting sealed bids for the excavation of G Avenue from Hwy 35 South 1 mile to 185<sup>th</sup> Street.

Jesse Finken with Electronic Engineering – GPS for County Vehicles and Equipment

- Approve purchasing tracking management tool (GPS Units) in County Vehicles and Equipment

John Engel – Inform the Board about an upcoming Triathlon on August 21<sup>st</sup> and request using the County's portion of Old Highway 20 and possible closure of this road during the event.

- Board to approve the sponsor's of triathlon to use Old Highway 20 closing said road during that time.

Warren Johnston – Provide Board with information and plans of the Legion to sell the Crystal Lake Dredge.

Action concerning the Dredge if needed.

Phil Anderson – request for Driver Exam Station to have a separate thermostat installed for the DMV Exam Room and the Public Waiting Room. Estimated cost \$5,000

Consider a claim to James Gabel for reimbursement of survey cost.

Larry Brostad – Veteran's Service Committee

- Will recommend individual for Veteran's Service Officer
- Appoint Veteran's Service Officer.
- Approve claim paying Bill Johnston's volunteer hours for performing VSO duties
- Approve Mileage Claim for Bill Johnston while performing those duties

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims on clip Boards
- Authorize County Clerk to invest money in the Health Insurance Holding Funds and authorize him to purchase 30 day CD's as he see's fit. These CD's would require the Chairs and the County Clerk's Signature to cash.
- Time Clocks- Rick Bousquet to report his finding after having a meeting with Elected Official.

Commissioner's Committee Reports

Commissioner's 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 July 12, 2010 as typed and prepared for the Official 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 "David Boschult NDA Inspector for Region Three - Evaluation and Annual Noxious Weed Report".

Dave Boschult stepped up to the podium and introduced himself being with the Weed Program, Nebraska Department of Agriculture and presented the Board Members with a copy of his Valuation of the County's Weed Program.

The report showed that the County's Weed Program scored a total of 3378 points out of a possible 3400 and that the Weed Superintendent scored 983 points out of a possible 1000 in the Inspections category and 995 points out of 1000 in the Office Evaluation Category.

He reflected the report as being a good overall score.

Chair McLarty called for the Agenda Item "Robert Giese, County Treasurer – Semi Annual Report". The Board was furnished a copy of the Treasure's Semi-Annual Report for period ending 06/30/2010 and the Board Chair signed same.

Chair McLarty called for the Agenda Item "Open Bids on G Avenue that were advertised to be opened at 4:15 P.M. Dakota County Road Dept is accepting sealed bids for the excavation of G Avenue from Hwy 35 South 1 mile to 185<sup>th</sup> Street."

The County Clerk opened the bids that were received from two construction companies.

The first was from David Criss and that bid was \$9,630.00 with a completion date of August 16, 2010.

The other bid was from Oban Construction and their bid was \$21,460.00 with a completion date of six days after award of bid.

The Board briefly discussed the huge difference between the bids and what the bid included and Fred Kellogg explained the scope of the project.

Commissioner Bousquet moved, seconded by Commissioner Gomez to refer the bids for the excavation of G Avenue from Highway 35 South one mile to 185<sup>th</sup> Street to the Road Committee to evaluate the bids and to determine whether there were any errors in the bids and for them to make a decision on which bid to accept and go ahead with the work.

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

Chair McLarty said that Jesse Finken asked to be rescheduled.

Chair McLarty called for the Agenda Item "John Engel – Inform the Board about an upcoming Triathlon on August 21<sup>st</sup> and request using the County's portion of Old Highway 20 and possible closure of this road during the event.

- Board to approve the sponsor of the Triathlon and to use the County's portion of Old Highway 20 closing said road during that time."

John Engel stepped up to the podium and introduced himself as being affiliated with Siouxland Triathlon Club and it is a registered non-profit organization registered in the State of Iowa. They draw their members for Nebraska, Iowa and South Dakota. He described this event as a fund raiser for kids programs for the YMCA in South Sioux and the Big Brothers and Big Sister's Programs.

They desire to use and block off a portion of Old Highway 20 from 8:20 a.m. to approximately 11:00 a.m. Saturday August 21, 2010 for the bicycle race from Great West to Martin's Air Field.

Commissioner Bousquet moved, seconded by Commissioner Rohde to approve Siouxland Triathlon having the Triathlon on August 21, 2010 and the County to close the road for that amount of time from 8:20 a.m. to 11:00 a.m.

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

The County Clerk asked if there should be any advertising done that the road is going to be closed during that time. There was mention of advertising in the Star and that Lite Form had to be notified because they receive shipments.

Mr. Engel was going to talk to the Businesses out there to notify them. Mr. Bousquet added that C & H Wrecker Service is open until noon.

Chair McLarty called for the Agenda Item "Warren Johnston – Provide Board with information and plans of the Legion to sell the Crystal Lake Dredge. Action concerning the Dredge if needed".

Mr. Warren Johnston stepped up to the podium. Mr. Johnston said that back in the 90's they got a 225 thousand dollar grant from the Environmental Trust Fund so they had to buy a dredge. They did not have the money at the time so they got Jack Pinney to buy the dredge and explained the agreement between Jack Pinney and the Old Crystal Lake Committee.

They are proposing to sell that dredge through an Action Committee and to use the funds from that toward a memorial at the new Veteran's Park. Mr. Johnston said that he was not looking for any action, but wanted them to be advised because the Commissioners were involved in that project.

A couple points that he wanted to make was that the Legion owns the dredge and intends to use 100 percent toward the memorial. He then asked Tony Gomez, on behalf of the Committee, if they could cross his property in taking the dredge out.

Chair McLarty called for the Agenda Item "Phil Anderson – request for Driver Exam Station to have a separate thermostat installed for the DMV Exam Room and the Public Waiting Room. Estimated cost \$5,000".

Mr. Phil Anderson explained that there has been a number of situations where it is too hot in the driver's exam room and the waiting room. He said it is always too hot and never any complaints that it is too cold.

He thought since the courthouse is going through renovations of heating and air conditioning that may be an opportunity to consider installing thermostats in the individual rooms.

Commissioner Rohde reminded Mr. Anderson that the County ran some additional duct work and the duct work could be used for both heating and cooling and hadn't heard any problems since then.

Mr. Anderson said that they run their fans and just cope with the situation and with the computers that are in the Driver's Exam Room that is a heat source as well and thought if separate thermostats are considered now would be the time to consider that versus a later time.

Commissioner Rohde mentioned that the Property Committee meet with the Heating and Air Conditioning people and the Board Chair turned the matter over to the property Committee.

Chair McLarty called for the Agenda Item "Consider a claim to James Gabel for reimbursement of survey cost."

Commissioner Rohde said that he didn't know that this was going to be on the agenda or he would have asked Mr. Gabel to come. Mr. Rohde said that he has asked to be reimbursed for some surveying cost. He said that there were some section corners 40 or 50 years ago where there was a county road and the road went from Homer to Winnebago through Gable's pasture. Apparently some of these markers had been taken out privately or publically by the County, but there was a road there.

Commissioner McNear recalled that the road came out in the area of Skip Hankins.

Commissioner Rohde said that he felt that the County disturbed it, and even though it was forty or fifty years ago, the County has some responsibility in locating these section line corners.

Other discussion followed.

The Chair asked the Co. Attorney for her opinion and she read part of the Board of Commissioners Policy dated June 1983 that said that the County shall not be liable. She clarified that Mr. Gabel requested the survey and then stated that the County would not be liable for paying that.

Mr. Bousquet said that the County has paid for some in the past so have we been in violation in the past, so what do we do there.

Kim Watson, County Attorney asked if that was a precedent you want to set.

There was discussion that the others were sales and the question was asked, is that any different than this?

Chair McLarty asked, "What is your pleasure?"

Commissioner Rohde said that he did not want to go against the County Attorney's recommendation and thought that Mr. Gabel could be invited to come here if he wants to talk about it again.

Mr. Bousquet mentioned the County Attorney writing Mr. Gabel a letter and sending that stuff to him and it was the consensus of the Board to do that.

Chair McLarty called for the Agenda Item " Larry Brostad – Veteran's Service Committee

- Will recommend individual for Veteran's Service Officer
- Appoint Veteran's Service Officer.
- Approve claim paying Bill Johnston's volunteer hours for performing VSO duties
- Approve Mileage Claim for Bill Johnston while performing those duties"

Larry Brostad, Chairman of the Veteran's Oversight Committee, requested and recommended from the Veteran's Oversight Committee that the County pay Willard C. Johnston 40 hours at \$13 an hour for the volunteer work that he did filling in for the vacant Veteran's Service Office Position in the interim of not having a Veteran Service Officer.

Mr. Brostad also recommended that the County pay his mileage claim that was submitted by Mr. Willard Johnston.

There was discussion whether Mr. Johnston could be paid the 40 hours at @13.00 an hour. The Assistant to the Board and the County Clerk advised the Board that the Payroll program will not let us pay someone for time worked prior to the time they start work and that today would be Mr. Johnston's hire date.

The County Clerk explained that Mr. Johnston would be paid two weeks from Friday (talking about Friday July 30, 2010 and he would get his bi-weekly salary along with the amount calculated out at \$13 and hour for 40 hours or \$520 in other pay.

Mr. Brostad then read a recommendation that the Veteran's Oversight Committee unanimously recommended that the County appoint Willard C. Johnston as the Veterans Service Officer for Dakota County and that the appointment be immediately.

Commissioner Rohde moved, seconded by Commissioner Gomez to hire Willard (Bill) C. Johnston as the Veteran's Service Officer effective today, July 26, 2010.

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 approve Mr. Johnston's Mileage Claim in the amount of \$53.40.

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



Commissioner Bousquet moved, seconded by Commissioner McNear to approve the payroll Claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$127,525.62, General Fund Employees Net Pay- \$94,482.93, Employer deductions paid: Retirement- 8,899.46, FICA- 7,906.58, Medicare- 1,849.13, DC Health Plan-, DC Dental Plan- and Life Insurance-, Principal Mutual Life Insurance-.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 595.00, Tracey Corkin- 557.73, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 340.01, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Phyllis Ridge- 905.96, Margaret Rahn- 1254.42, Daniel Christoffers- 554.20, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.75, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 1155.68, Jeremy Bermel- 1725.08, Anthony Bos- 1660.96, Sandy Dickens- 463.70, Brian Ellinger- 1768.76, Penny Epting- 1852.97, Michael Estes- 1436.94, Brent Gilster- 1788.72, Todd Hammer- 1832.84, Richard Hansen- 1506.84, Melvin Harrison III- 2251.32, Rodney Herron- 1830.92, Jason James- 1669.40, Kimberly Johnson- 484.04, Jared Junge- 2046.61, Michael Kreegar- 1984.04, Gary Powell- 384.00, Gayle Richards- 871.20, Kevin Rohde- 2153.90, James Wagner- 1634.45, Randall Walsh- 2006.51, Kerry Johnson- 926.40, Sara Meadows- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1272.54, Ermelinda Ballesteros- 1397.82, Mason Billings- 1062.19, Joshua Blatchford- 1347.09, Rebecca Broer- 1462.91, Mario Cruz- 1148.13, Sandy Dickens- 791.57, Marjorie Donahue- 1320.00, Lisa Ford- 1621.12, Robert Foster- 1326.69, Ryan Foster- 1134.38, Linda Frost- 816.00, Alma Gunderson- 1379.89, Amber Hamman- 1395.24, Paula Harrigfeld- 687.12, Cathy Harsma- 1343.10, Deanna Haukap- 1277.34, Jeffrey Heitzman- 1403.47, Adam Hough- 1257.30, Michael Jacobson- 1134.38, Brett Johnson- 1306.45, Nicholas Kellen- 1359.27, Brenda Kelly- 1326.81, Terry Kern- 1923.08, Keith Klein- 1289.69, James Kleinberg- 1130.94, Mark Nelson- 1365.38, Travis Olander- 1288.99, Kimberly Peterson- 1253.49, Doyle Pilgrim- 875.16, Daniel Rodasky- 1261.81, Cody Roeber- 1134.38, Jutharatana Ruenprom- 1261.11, Timothy Ryan- 1141.25, Linda Schovanec- 1346.40, Francis Tope- 1242.40, Jewel Williams- 1320.17, Matthew Wise- 1249.68, Cara Wood- 1290.40, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 740.15, Shirley Voss- 1040.25.

GENERAL FUND: Employee withholding paid to: Federal- 11,245.47, State- 4,464.53, FICA- 7,906.58, Medicare- 1,849.13, Retirement- 6,030.22, Health Plan-, DC Dental Plan-, Colonial Health-, Sheriff Union Dues-, Deferred Comp- 607.00, Garnishments- 939.76, Aflac Health-, Aflac Life/Dsbl- and Flex Plan Medical-, Flex Plan Dependant Care-.

COUNTY ROAD PAYROLL: Gross salaries- \$15,535.74, Road Employees Net Pay- \$11,372.25, Employer deductions paid: Retirement- 1,048.67, DC Health Plan-, DC Dental Plan-, Life Insurance-, FICA- 963.21, and Medicare- 225.26, Principal Mutual Life Insurance-.

Brent Byroad- 1513.44, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1534.30, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1232.00.

ROAD FUND: Employee withholding paid to: Federal- 1,247.93, State- 517.76, FICA- 963.21, Medicare- 225.26, Retirement- 699.10, DC Health Plan-, DC Dental Plan-, Reassure America Life-, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health-, Aflac Life/Dsbl-, Flex Plan Medical- and Union Dues-.

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

Commissioner Gomez moved, seconded by Commissioner Rohde to approve the Accounts Payable Claims filed with the County Clerk and submitted by him for payment as follows:

GENERAL FUND: Dakota County Star, publishing- 299.08; Perkins, supplies- 18.72; Joan Spencer, reimburse- 52.99; Bear Graphics, security paper- 90.00; Capital One Visa, unpaid- 54.90; Microfilm Imaging, scanner- 492.00; Perkins, supplies- 252.56; Theodore Piepho, phone/mileage- 36.00; As Central Services, data storage- 130.00; Des Moines Stamp, supplies- 119.85; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 174.00; Ruth Jensen, prior yrs- 12.00; OSDI Midwest, contract- 710.00; Phillips printing, envelopes- 295.00; Mardell Sorenson, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Dakota City Postmaster, spare key- 7.00; Microfilm Imaging, lease- 240.00; Perkins, supplies- 65.84; Capital One, pallets- 67.20; Dakota City Postmaster, stamps- 100.80; Theodore Piepho, mileage- 20.00; Security Shredding, shredding- 70.00; Dakota Business Systems, copier rental- 102.00; Deb Green, meeting- 15.00; Jolene Gubbels, minutes- 15.00; Jim Jepsen, mileage/meeting- 16.00; Arnie Mellick, phone- 30.00; Marlan Millard, mileage/meeting- 18.50; Donald Miller, mileage/meeting- 23.50; Harold Moes, mileage/meeting- 22.00; Joe O'Neill, mileage/meeting- 18.50; Martin Rohde, mileage/meeting- 23.00; Net Sys Plus, repair- 160.00; Perkins, supplies- 182.03; AS Central Services, supplies- 965.71; Dakota Business Systems, lease- 99.00; Dakota County Star, subscription- 36.00; Iowa Office Supply, supplies- 38.94; Microfilm Imaging Systems, scanning- 100.50; Redfield & Company, supplies- 231.00; William Binkard, reimburse- 448.15; Cartridge World, toner- 115.98; Dakota County Bar Assn, dues- 50.00; Dakota County Jail, phone card- 50.00; Frank Gonzalez, interpret- 650.00; Debbie Jensen, phone card- 5.00; LCES Seminars, law guide- 75.00; Midwest Office Automations, contract- 292.63; Perkins, supplies- 132.71; CBM Food Services, food- 725.00; Dean & Associates, committal- 300.00; District Court, claims- 694.00; Alexander Esteves, counsel- 159.29; Executive Tech, contract- 226.50; Susan Hunke, fee- 130.70; Hy-Vee, food- 261.67; Lancaster County Sheriff, fees- 19.16; MIPS, jury- 815.19; Norfolk Printing, dockets- 110.80; Michael Schmiedt, court appointed counsel- 228.75; Shirley Sides, mental health board- 60.00; Pat Slaughter, mental health board- 65.05; Woodbury County Sheriff, service- 66.68; Matthew Connealy, court appointed counsel- 529.25; Dakota County Court, costs- 1608.25; Alexander Esteves, court appointed counsel- 608.77; Randy Hisey, court appointed counsel- 744.00; Kueny & Begley, court appointed counsel- 54.00; Stuart

Mills, court appointed counsel- 1065.00; Douglas Roehrich, court appointed counsel- 1524.00; Richard Thramer, court appointed counsel- 652.76; Patrick Tott, court appointed counsel- 834.00; Cindy Weber-Blair, court appointed counsel- 615.00; Dakota County Sheriff, papers/warrants- 374.30; Betty Bass, Kent Crosgrave, Deborah Garnand, Karen Heeney, Linda Jump, Alvin, Levine, Jim Lucas, Chad Luschen, Traci McDonald, Tom McGuire, Daniel McTaggart, Andrew Miller, Deborah Moore, Terry Boyd, Craig Cink, Amy Conley, Traci Emmons, Lorena Fernandez, Erma Fitch, Melissa Fogarty, Kimberly Hassler, Shelby Jackson, Steven Jensen, Lizbeth Lemus, Donna Meyers, James Morgan, Roger Spencer, Toby Varvais, Sandra Villarreal, Debra Zanfes, Paddy Conlon, Lori Curry, Michaela Fogarty, Barbara Hayes, Jeffrey Herfel, Brian Hilton, Maryann Hirsch-Creswell, Anne Hoelsing, Jean Hornbeck, Brenda Kassing, Mary Koeningsfield, Edward McMahan, Melony Moore, Timothy Murphy, Diana Nelson, Timothy Schram, Carolyn Starks, Teresa Waterbury, Stephen Watkins, Todd Weaver, Doungschay Xayabanha, juror mileage- 1721.60; Ateam, repair/maintenance- 1815.00; Barone Security Systems, inspection fees- 396.96; Benstar Packaging, supplies- 270.62; Bomgaars, repair/supplies- 679.67; Bunkers Feed & Supply, salt- 60.55; City of Dakota City, utilities- 701.01; Circle S South, supplies- 65.00; Gill Hauling, service- 120.00; Grainger, supplies- 513.00; Janitor Depot, supplies- 482.45; Joes Department Store, repair- 137.64; J S Brothers, repair- 375.00; Lewis Electric, supplies- 616.23; Menards, supplies- 616.82; MidAmerican Energy, utilities- 1357.00; Nebraska Department of Labor, inspection fees- 144.00; Nebraska Public Power Dist, utilities- 4403.16; Rick Jensen, mileage- 160.60; Sams Club, supplies- 175.08; Trembly Pest Control, service- 50.00; United Rentals, rental- 77.46; Verizon, phone- 61.51; Wilmes Hardware Hank, repair- 20.53; UNL Extension, reimburse- 1240.70; PMNRD, rent- 833.33; Kerry Bligh, animal control- 100.00; Bort Auto Body, deductible- 500.00; City of South Sioux City, fuel- 4045.45; Dakota Food & Fuel, fuel- 769.27; Fremont Tire, service/repair- 1374.41; Harolds, film develop- 33.74; Hubbard Minimart, fuel- 57.41; Jacks Uniforms, supplies- 179.85; Jackson Glass, repair- 209.25; Joes Department Store, supplies- 56.34; Lynn Peavey Company, kits- 31.92; Omaha World Herald, publishing- 273.68; RACOM Corp, t1 access- 644.30; Sioux City Ford, supplies- 441.33; Staples, supplies- 41.98; Ultramax, ammunition- 2189.00; Verizon, phone- 297.98; Wal-Mart, supplies- 92.96; Willis Animal Clinic, supplies- 133.33; Dakota County Bar Association, dues- 100.00; Dakota County Treasurer, copies- 2.00; Dept of Motor Vehicles, transcripts- 11.00; Des Moines Stamp, stamps- 65.00; H2O4U, service- 17.00; Iowa Office Supply, contract- 83.31; Peter Parry, phone- 20.00; Staples, supplies- 97.81; Kim Watson, supplies/witness fees- 252.35; City of South Sioux City, lec cost share/equipment- 30617.96; BI Inc, electric monitoring- 494.70; Caterina Chapman, mileage/supplies- 30.00; Redwood Toxicology, tests- 50.00; Verizon, phone- 79.29; Ace Refrigeration, repair- 120.00; Amsan, supplies- 2452.81; Aramark, admin- 81.13; Associated Fire Protection, service- 90.00; BI Inc, June- 371.25; Bob Barker, supplies- 1078.45; CW Suter Services, supplies- 262.34; CBM Food Services, meals- 31191.78; CashWa Distributing, meals- 107.77; City of Dakota City, utilities- 885.16; Dakota Business Systems, contract- 386.81; Dakota County Sheriff, mileage/meals- 604.00; Dakota Family Dentistry, medical- 241.00; Dakota Food & Fuel, fuel- 441.31; Dakota PC Warehouse, TV- 523.00; Dept of Correctional Serv, medical/safekeepers- 994.67; Sandy Dickens, mileage- 151.00; Marjorie Donahue, mileage- 14.55; Fremont Tire, service- 26.46; Gill Hauling, service- 120.00; Amber Hamman, mileage- 97.30; Hough Distro, gloves- 962.24; Jacks Uniforms, supplies- 1233.95; Joes Dept Store, supplies- 94.10; Mercy Business Health, medical- 2727.00; Mercy Medical Center, medical- 5379.15; Mercy Medical Physicians, medical- 626.40; MidAmerican, utilities- 449.67; Midwest Office Automations, copies/toner- 1835.87; Midwest Special Services, transport- 57.62; Moore Medical, medical- 696.62; NE Nebr Juvenile Services, boarding- 2012.50; NW Iowa Emergency Phys, medical- 548.00; Nebr Public Power Dist, utilities- 4652.46; Net Sys Plus, repair- 173.50; Oral Surgery Associates, medical- 65.00; Overhead Door Company, repair- 88.50; Doyle Pilgrim, mileage- 40.00; Red Willow County Sheriffs Dept, service- 135.00; Kevin Rohde, meals- 12.42; Sams Club, supplies- 202.47; SFCU, fuel/meals- 763.84; Siouxland Radiology Partners, medical- 509.00; Speedy Rooter, repair- 510.50; Staples, supplies- 119.93; Trembly Pest Control, service- 35.00; TriState, repair- 116.50; Verizon, phone- 159.67; Wal-Mart, supplies/prescriptions- 6034.20; Wigman, assembly- 476.50; Woodbury Co Juvenile Det, boarding- 4000.00; Dodge County Clerk, reimburse- 12667.80; Staples, supplies- 59.96; Verizon, phone- 33.36; James Gabel, reimburse- 480.00; Bomgaars, parts/equipment- 48.85; Bort Auto Body, repair- 545.53; Champion Cycle, equipment- 2860.00; Dakota County Treasurer, title- 10.00; Hubbard Minimart, fuel- 363.02; J & J Pronto, fuel- 70.50; Motor Parts Central, parts/oil- 53.13; Wilmes Hardware Hank, supplies- 32.77; Pam Devries, mileage- 147.50; Pat Glover, clinic- 80.00; Kreisers, multistix- 68.85; Sanofi Pasteur, tests- 30.08; Roxanne Voss, mileage- 108.50; Thomas Wenthe, physician- 250.00; Thomson West, service- 213.00; Claritus, ink- 108.71; Cableone, internet- 169.96; Dakota County State Bank, stop pymnt- 25.00; FiberComm, phone- 1122.45; FSH Comm, phone- 63.60; Lazette Gifford, website- 40.00; Helvig Ag, referee- 731.25; IBM Corp, contract- 145.72; Jared Junge, reimburse- 19.50; MailFinance, postage- 227.00; Mercy Business Health, wellness screening- 2225.00; Midwest Office Automations, contract- 396.00; MIPS, support- 679.40; NE Nebr Area Aging, fiscal match- 5559.00; Nebr Dept of HHS, rental- 6800.00; Net Sys Plus, repair- 400.00; Norm Waitt YMCA, membership- 365.00; Region IV Inc, services- 5320.25; Region IV Behavioral Health, services- 7367.25; Romans & Wiemer Assoc, audit- 12450.00; Sioux Air Inc, spray- 1520.00; Joan Spencer, reimburse- 17.95; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fees- 80.00; US Postal Service, postage- 2500.00; Road Improvement, budget transfer- 85000.00; Road Fund, budget transfer- 125000.00; Willard Johnston, mileage- 53.40;

ROAD FUND: A1 Auto Salvage, parts- 40.00; Advance Auto, parts/oil- 260.63; Aramark, service- 445.34; AZ Inc, fuel- 351.08; Barkley Asphalt, asphalt- 933.03; Bomgaars, supplies- 208.41; Dakota County Star, publishing- 9.26; Diesel Specialties, parts- 15.00; Frame Aligners, parts/labor- 336.49; GCR Tire Center, tires- 187.00; Gill Hauling, service- 55.00; Harris Repair Shop, parts/labor- 124.00; Walter Heinemann, prior yrs- 29.00; Heritage Express, fuel- 78.00; Hubbard Minimart, fuel- 3742.59; H2O4U, service- 25.50; Industrial Tools & Machinery, supplies/tools- 105.77; Jackson Glass, parts/labor- 297.34; J & J Pronto, fuel- 499.68; Joes Dept Store, parts/supplies- 234.11; Kinetic Leasing, loader payment/interest- 2458.00; LG Everist, gravel- 74623.61; Linweld, oxy- 49.00; Medical Enterprises, testing- 5.00; Marlan Millard, prior yrs- 15.00; Motion Industries, parts- 257.16; Motor Parts Central, parts- 392.92; NAPA, supplies- 1418.92; Nebr Culverts & Steel, pipe- 299.00; Nebr Public

Power Dist, utilities- 27.44; Northeast Equip, rental/parts- 909.00; NE Nebr Public Power Dist, utilities- 261.98; Northeast NE Telephone- 173.27; Oban Construction, gravel- 7882.07; Peterson Sand & Gravel, gravel- 47155.60; Pumps, tires- 1383.50; Powerplan, parts/supplies- 458.00; RC Customs, steel- 81.60; Rees Mack Sales, parts/labor- 466.19; Sams Club, supplies- 95.76; Siouxland Hydraulics, clamp- 7.50; Titan Access, parts- 715.18; Verizon, phone- 63.99; Warren Oil, diesel- 7975.90; Zieglers, parts/supplies- 1169.01;

HARD SURFACE: Olsson Associates, paving- 346.00;

ROAD IMPROVEMENT: Lux Bros, gravel- 35188.75; Oban Construction, project- 4498.50; Peterson Sand Gravel, gravel- 44288.65; Stan Houston Equip, level- 970.00;

VISITORS PROMOTION: South Sioux City Chamber, lodging tax- 17627.90;

POOR RELIEF: Becker-Hunt Funeral Home, burial expenses- 4260.00; Nebr Dept of HHS, admin cost- 33.25;

STOP FUND: Tactical Solutions, equipment- 786.95;

HEALTH PLANNING GRANT: Alltel, phone- 200.00; Deanna Beckman, hours- 1095.00; Claritus, idworks- 189.00; Daniel Christoffers, hours- 74.20;

PUBLIC SAFETY: City of SSC, sls tax- 4271.24; Jail Bond Fund, sls tax- 31322.43;

E911: City of South Sioux City, 911 monies- 36829.40;

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

Chair McLarty called for the Agenda Item "Authorize County Clerk to invest money in the Health Insurance Holding Funds and authorize him to purchase 30 day CD's. These CD's would require the Chairs and the County Clerk's Signature to cash.

Commissioner Rohde moved, seconded by Commissioner McNear to authorize the County Clerk to invest the money in the Dakota County Health Plan Checking Account into Certificates of Deposit to draw the most interest as possible using his best judgment as to when and how much should be invested. Be it further resolved that there be a two signature requirement, which would be the Chairman of the Board and the County Clerk to make these investments or in cashing the CD's.

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

Chair McLarty announced that the issue of the Time Clock be dropped from the agenda due to lack of funding to do that.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports".

Commissioner Rohde reported on 260<sup>th</sup> Street going to the river. The Board was asked to make that an all weather road and said that had been completed. He reported that he went down that road last week and it really turned out good. They have a little more to do when the crops come out back sloping and so on, but it is a very nice road.

Commissioner Gomez reported that the LEC Board had a meeting last Tuesday and they are doing very well with the expansion project and that a construction payment had been paid out.

Dick McNear reported on he attended a meeting with keeping Northeast Nebraska beautiful. Sally Reinert reported that entities entered a consortium for the purpose of writing a 20 year management plan as was mandated by the state. The project started in 1992 and put into place in 1994.

We are approaching the end of 20 years and Keep Northeast Nebraska Beautiful will be contacting the original members of the consortium to see if there is interest in collaborating on a solid waste management plan.

At the present time South Sioux City wishes to update the plan, which will probably have to be an addendum to the current plan focusing in on waste management accomplishments that were not written in the original plan.

They would like to have this completed before the due dates for DEQ Grants in September. Ms. Reinert said that there was no reason that Dakota County and Dakota City could not be included in that plan. The advantage is that in grant writing they ask if you have an updated solid waste management plan. The fact that you had done some updating would be a good thing. Ms. Reinert was asking for permission for them to include Dakota County with this update or just go ahead with South Sioux City.

It was the consensus of the board to include the County, but it was not on the agenda so it was mentioned to put it on the next meetings agenda.

Commissioner McNear reported that he had a meeting with the Health Department and that the Health Department gave \$4,000 back to the County and had a \$161,000 budget.

He also went to a meeting at Dakota City and described their annexation.

Commissioner Bousquet said that the ribbon cutting for the Northeast Community College for their welding shop is Tuesday, July 27, 2010.

Mr. Bousquet also said that he was donating his time to use the excavator to dig a hole for the trees and that is why the excavator is there.

Commissioner McLarty reported that four out of the six heating and air conditioning units have been installed and running.

He said that the CDBG Grant that was applied for Atokad Drive was not granted and will have to be resubmitted.

Chair McLarty called for the Agenda Item "Public Comment" and there were 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 Rohde moved, seconded by Commissioner Bousquet to adjourn their meeting of July 26, 2010 at 5:12 p.m.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Yea.  
UNANIMOUS MOTION CARRIED. 5:12 p.m.



Dakota 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 9, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Rohde, Gomez, McNear and Ted Piepho Secretary. Absent: Bousquet

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

The agenda for said meeting was as follows:

Call meeting to Order

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

Pat Anderson and Brent Clark with the South Sioux City Chamber

- Introduce Brent Clark as the new Convention & Visitor's Bureau Director
- Present the 2010/2011 Convention & Visitor's Bureau Budget for County Board to Adopt.
- Present new members of the Convention & Visitor's Bureau and the Board to appoint same.

Lt. Randy Walsh - Advise the board in regards to the outcome and return of the 2009 Distress Warrants

- Board needs to accept and may desire to strike name off the list.

Sally Reinert - Motion to include Dakota County in an addendum updating the Solid Waste Management Plan.

Larry Brostad – address the Veteran's Service Budget.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- Approve Officials Reports

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

Commissioner McNear moved, seconded by Commissioner Gomez to excuse Commissioner Bousquet for his absence.

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 minutes of previous meeting".

Commissioner Gomez moved, seconded by Commissioner McNear to approve the minutes of July 26, 2010 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 "Pat Anderson and Brent Clark with the South Sioux City Chamber to Introduce Brent Clark as the new Convention & Visitor's Bureau Director, Present the 2010/2011 Convention & Visitor's Bureau Budget for County Board to Adopt and to present new members of the Convention & Visitor's Bureau and the Board to appoint same".

Pat Anderson and Brent Clark stepped to the podium and Mr. Clark was introduced as the Convention and Visitor's Bureau Director. He has been the director since April and the Cardinal Fest was the first event put on by Brent Clark. Commissioner Gomez gave him praise on that event.

Ms. Anderson passed out copies of the budget and Mr. Clark presented that budget. 2009/10 Forecast was a total income of \$118,272.81 and the total expensed were forecasted to be \$101,726.16. The 2010/11 estimated budget revenue was \$144,400.00 and the expenses were estimated to be \$144,240.00 leaving cash on hand at the end of the year of \$160.00.

Mr. Clark explained that their revenue was from the Hotel/Motel Tax in Dakota County, which is 4%. One percent goes to the state and three percent comes back to his office.

The next item was the appointment of members to the Convention & Tourism Visitor's Board. Mr. Clark said that Rick Gleason from the Marina has resigned and took a position in Minnesota. That means there will be a new member from the Marina. He also said that he was expanding the Board to 9 people

and Dave Patnel, Jim Steele and Anne Grohs with America's Best Value Inn will be serving on the Board and the rest of the Board will remain on the Board for another year.  
Mr. Clark reported that Mallory has left the YMCA so Kevin maybe taking her place.

Commissioner Gomez moved, seconded by Commissioner Rohde to appoint the three people, Dave Patnel, Jim Steele and Anne Grohs to the Dakota County Convention Visitor's and Tourism Board.  
ROLL CALL VOTE: Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea and Bousquet- Absent.  
UNANIMOUS MOTION CARRIED.

Chair McLarty called for the Agenda Item "Lt. Randy Walsh - Advise the board in regards to the outcome and return of the 2009 Distress Warrants, which the Board needs to accept and may desire to strike name off the list."

Lt. Walsh stepped up to the podium and presented the following 2009 Distress Warrant Report in written form.

August 1, 2010

Dakota County Commissioners  
Dakota County Courthouse  
Dakota City, Nebraska

The Dakota County Sheriff's Department returned the 2009 Distress Warrants to the Dakota County Treasurer on August 1, 2010.

There were 244 Distress Warrants issued November 1<sup>st</sup>, 2009 totaling \$.58,950.62

Of the 244 Distress Warrants:

226	are satisfied totaling	\$ 56,535.24	
	additional interest collected	\$ 2,139.43	
1	Paid to County Treasurer (partial payment)	\$ 22.75	(subtract)
11	were sold at sheriff's sale	\$ 11.00	

Total Amount Uncollected \$ 2,404.38

-this amount includes

- 11 - sold by sheriff
- 7 - to be stricken
- 0 - removed by correction

Total Collected: **\$ 58,662.92**

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>	<u>\$ Amount</u>
2014	220107831	Juan A. Arreaga	\$ 46.62
2043	220114382	Arturo Cornejo	\$ 77.61
2048	220143552	Tomas DelaCruz	\$ 137.84
2050	220219036	Antonio DelGado	\$ 63.36
2075	220182299	Jose Gutierrez	\$ 46.89
2122	220199930	Mario Jaimes Luviano	\$ 59.42
2138	220191794	Pedro or Anna Leticia Morales	\$ 61.15
2212	220174512	Robert Schultz	\$ 15.99
2217	220168792	Juan Sierra	\$ 71.16
2232	220162654	Jon M. Trowbridge	\$ 47.63
2238	220133808	Anthony Vasquez	<u>\$ 65.30</u>

**Total # of properties sold at Sheriff's Sale - 11**

**Total Amount of Taxes due on properties sold at Sheriff's Sale= \$ 692.97**  
**(subtract \$11.00 from sheriff's sale) -11.00**  
**\$ 681.97**

**Personal Property Taxes to be Stricken**

<u>DW#</u>	<u>Property Id</u>	<u>Property Description</u>	<u>Reason</u>	<u>Amount</u>
2047	220219025	Business Equipment	Out of Business	\$ 5.56
2052	220126941	1962 Buddy Mobile Home	Vacant Lot	\$ 40.43
2058	220187908	1973 New Moon Mobile Home	Vacant Lot	\$ 67.35
2135	220219351	Business Equipment	Out of Business	\$ 725.95
2156	220219353	Business Equipment	Out of Business	\$ 317.20
2179	220219213	Business Equipment	Out of Business	\$ 541.41
2211	220219177	Business Equipment	Out of Business	<u>\$ 24.51</u>

**Total # of Properties to be Stricken = 7**

**Total Amount of Personal Property Taxes to be Stricken = \$ 1,722.41**

Commissioner Rohde moved, seconded by Commissioner McNear to strike these seven properties; Distress Warrant Numbers 2047, 2052, 2058, 2135,,2156, 2179 and 2211 amounting to \$1,722.41 from the Personal Property Tax List.

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

Commissioner McNear moved, seconded by Commissioner Gomez to accept the Distress Warrant List Report.

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

Chair McLarty called for the Agenda Item "Sally Reinert - Motion to include Dakota County in an addendum updating the Solid Waste Management Plan".

Ms. Reinert stepped up to the podium.

Ms. Reinert said that the Dakota County Solid Waste Disposal Agency included South Sioux City, Dakota City, and Dakota County, and was the nucleus of the consortium that wrote the current 20 year solid waste management plan, now 16 years old.

South Sioux City was interested in writing an update to the current plan because; in evaluating DEQ grant applications, 25 points is awarded if the project is named in the solid waste management plan, practically assuring success.

Ms. Reinert said that including Dakota City and Dakota County in writing the update would mean little additional work, but now would be a great time to include these entities. Dakota City has already given its okay to be included.

She was asking permission to include Dakota County in the plan update. She asked that if any individuals have any objectives that they would like to have included in the plan, she would be receptive to those. These can be given either to her directly or to Dick McNear. They need these within the next two weeks so that the update can be written before the DEQ grants are due in September.

The goal of the 20 year solid waste management plan is to reduce solid waste entering the landfill. Any objective related to that goal could be included. i.e. reducing office waste by purchasing equipment for paperless recordkeeping, building a recycling center, shredding tires to make walking trails, etc.

Commissioner Rohde moved, seconded by Commissioner Gomez to give Sally Reinert representing Keep Northeast Nebraska Beautiful permission to include Dakota County to the Dakota County Solid Waste Disposal Agency Plan.

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

Chair McLarty called for the Agenda Item "Larry Brostad – address the Veteran's Service Budget".

Mr. Brostad proceeded to install and swear Willard ( Bill ) Johnston in as the Dakota County Veteran's Service Officer.

Bill Johnston, Veteran Service Office, presented the Veteran Service Office budget. His salary was presented at \$27,300 annually.

Chair McLarty called for the Agenda Item "Approve Payroll Claims".

Commissioner Gomez moved, seconded by Commissioner McNear to approve the payroll claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$127,264.60, General Fund Employees Net Pay- \$91,264.06, Employer deductions paid: Retirement- 8,868.96, FICA- 7,708.34, Medicare- 1,802.71, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.05, Principal Mutual Life Insurance- 1,233.21.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 560.72, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 398.17, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Phyllis Ridge- 925.10, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 852.76, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 1112.93, Jeremy Bermel- 1850.55, Anthony Bos- 1660.96, Sandy Dickens- 463.70, Brian Ellinger- 1712.70, Penny Epting- 1763.02, Michael Estes- 1481.29, Brent Gilster- 1989.18, Todd Hammer- 1869.10, Richard Hansen- 1086.41, Melvin Harrison III- 2390.10, Rodney Herron- 1830.92, Jason James- 1664.70, Kimberly Johnson- 457.59, Jared Junge- 1740.76, Michael Kreegar- 1644.80, Gayle Richards- 878.01, Kevin Rohde- 1783.65, James Wagner- 1634.45, Randall Walsh- 1759.72, Bridget Fiedler- 768.00, Kerry Johnson- 926.40, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1295.40, Ermelinda Ballesteros- 1367.38, Mason Billings- 1134.38, Joshua Blatchford- 1347.09, Rebecca Broer- 1413.32, Mario Cruz- 680.63, Sandy Dickens- 847.73, Marjorie Donahue- 1328.25, Lisa Ford- 1326.69, Robert Foster- 1385.17, Ryan Foster- 1204.86, Linda Frost- 816.00, Alma Gunderson- 1371.72, Amber Hamman- 1451.99, Paula Harrigfeld- 610.43, Cathy Harsma- 1339.03, Deanna Haukap- 1149.22, Jeffrey Heitzman- 1294.77, Adam Hough- 1249.68, Michael Jacobson- 1287.38, Brett Johnson- 1318.47, Nicholas Kellen- 1367.38, Brenda Kelly- 1396.22, Terry Kern- 1923.08, Keith Klein- 1238.25, James Kleinberg- 1134.38, Mark Nelson- 1365.38, Travis Olander- 1285.11, Kimberly Peterson- 1257.30, Doyle Pilgrim- 844.56, Daniel Rodasky- 1277.34, Cody Roeber- 1134.38, Jutharatana Ruenprom- 1253.49, Timothy Ryan- 1134.38, Linda Schovanec- 1346.40, Francis Tope- 1242.40, Jewel Williams- 1257.30, Matthew Wise- 1257.30, Cara Wood- 1290.40, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Shirley Voss- 877.83, Willard Johnston- 1574.80.

GENERAL FUND: Employee withholding paid to: Federal- 10,586.16, State- 4,216.14, FICA- 7,708.34, Medicare- 1,802.71, Retirement- 6,005.56, Health Plan- 1,100.00, DC Dental Plan- 546.00, Colonial Health- 16.20, Sheriff Union Dues- 325.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac

Health- 534.40, Aflac Life/Dsbl- 161.06 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,329.10, Road Employees Net Pay- \$10,775.66, Employer deductions paid: Retirement- 1,034.71, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 927.06, and Medicare- 216.81, Principal Mutual Life Insurance- 221.05.

Brent Byroad- 1501.10, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,162.77, State- 485.75, FICA- 927.06, Medicare- 216.81, Retirement- 689.81, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 60.00 and Union Dues- 140.00.

Dakota County – General Fund: Minimum balance remittance- 1,000.00

Dakota County – General Fund: Terminated Employee payroll check- 458.33

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 Accounts Payable Claims”.

Commissioner Rohde moved, seconded by Commissioner McNear to approve the Accounts Payable claims filed with the County Clerk and submitted by him for payment as follows:

GENERAL FUND: Perkins, supplies- 13.58; Dakota Business Systems, lease- 99.00; Microfilm Imaging, scanning- 100.50; Midwest Office Automations, contract- 332.52; New Perspectives, shredding- 25.50; Randy Hisey, court appointed counsel- 258.00; Verizon, phone- 160.51;

VETERANS AID: County Veterans Office, emergency relief- 3000.00.

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 Officials Reports”.

They were not available and will be approved next meeting.

Chair McLarty called for the Agenda Item “Commissioner’s Committee Reports”.

Commissioner Rohde reported on behalf of the Road Committee that they felt that the County could do G Avenue for \$5,000 saving \$4,600 over low bid, so it was the thought of the Road Committee for the County to do that project rather than awarding a bid.

Commissioner McNear reported that he visited the tube project on Lutton Avenue and it was almost complete and should be travelable before the school busses start up.

Commissioner Rohde reported on what is known as the Kenny Baker Bridge. The state closed that bridge approaching three years ago. He said that the state is going to let the county open it as a three ton bridge, which is limited to car and pickup traffic. He continued that they have replaced a few boards in the bridge and they are trying to get the approaches to the bridge and the road ready, which should be open within a week weather permitting.

Commissioners Rohde and Gomez reported on the temperature control in the Drivers Exam Room and found it to be comfortable, but that they will talk to Tom Bousquet when he gets back from vacation.

Chair McLarty called for the Agenda Item “Commissioner’s Member Reports” and there were none.

Chair McLarty called for the Agenda Item “Public Comment” and there were 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 McNear moved, seconded by Commissioner Gomez to adjourn their meeting of August 9, 2010 at 4:40 p.m.

ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Absent and Rohde- Yea.  
UNANIMOUS MOTION CARRIED. 4:40 p.m.



Dakota 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 23, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners Bousquet, McLarty, Rohde, Gomez, McNear and Ted Piepho Secretary. Absent: None

Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

The agenda for said 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 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 August 9, 2010
- Ruth Sorensen, Property Tax Administrator - CAMA system software contract
- Open sealed bids for a lease purchase of one new or low hour demo Tractor Loader Backhoe that will be received by Dakota County Nebraska at the office of the County Clerk, PO Box 39, Dakota City NE 68731, until 4:00 P.M., Friday, August 20, 2010. The bids will be opened at 4:15 PM
- Jesse Finken with Electronic Engineering – GPS for County Vehicles and Equipment
  - County to decide and take action whether they want to install GPS Equipment in County Equipment and if so, which equipment.
- Amber Hupe-Monney – Victims Assistance Program Director.
  - Present Program information, statistics and budget.
  - Approve budget, if necessary.
- Kathy Rhea and Dick Leitschuck with RC&D – To discuss goals, objectives and accomplishments of the RC&D (Resource Conservation and Development) Council.
  - Ask the County for Sponsorship of the Nebraska Loess Hills RC & D
    - Motion for County to Sponsor RC & D
- Jim Gabel – Claim for surveying
  - Consider approval of his claim and action is required on same
  - Change County Surveying Policy from the 1983 policy
  - Should a copy of the County's Surveying Policy be distributed to people requesting surveys so they are aware of what they are and what the County is obligated to pay
- Railroad blocking E Avenue, the road entrance into Millis Beach. – The railroad blocked E Avenue, which is the entrance for the Millis Beach Area Saturday morning for approximately two and one-half hours. The Board may or may not take action on this in this meeting.
- Levy Allocations for Miscellaneous Subdivisions
  - Adopt Levy Resolution for the Historical Society Resolution 09C-012
  - Adopt Levy Resolution for the Agricultural Society Resolution 09C-013
  - Adopt Levy Resolution for Homer Fire Department Resolution 09C-014
  - Adopt MFO Fire Department Resolution 09C-015
- Miscellaneous Agenda Items
  - Approve Payroll Claims
  - Approve Accounts Payable Claims
  - Officials Reports
  - Office Inventories are to be filed by August 31, 2010. (Informational)
  - Reject G Avenue Bids because the County decided to do the project.
  - Storm Water Management Plan Program Grant Application
    - Board to approve and Board Chair to sign for fifth year grant funding
  - Approve Title VI Annual Report for Local Public Agencies and the chair to sign all documents affiliated with said report– Board to discuss and approve this report. If the report is not complete, the Board will recess to Monday, August 30, 2010.
- Commissioner's Committee Reports
- Commissioner's Member Reports
- Public Comment
- Mail and/or Emergency Business
- Recess to Monday, August 30, 2010 @ 8:30 a.m., if necessary.
- Reconvene Monday, August 30 @ 8:30 a.m.

- Approve Title VI Annual Report for Local Public Agencies and the chair to sign all documents affiliated with said report– Discuss and approve the report.
- 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 August 9, 2010 as typed and prepared for the Official 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 “Ruth Sorensen, Property Tax Administrator - CAMA system software contract”.

Ms. Sorensen approached the podium. She handed out a copy of the expenditures that the Dakota County Assessor’s Office incurred in 2008/09 and the year 2009/10. The expenses for 2008/09 were \$331,437.11 and for the 2009/10 Budget Year they were \$335,947.64. Attached to those copies was a summary of Dakota County Assessment Expenses from 99-00 to 09-10.

Ms. Sorensen mentioned that LB121 mandated the return of the Assessor’s Office to the counties. She said that the County would assume 25% of the cost for the Assessor’s Office starting with the 2010/11 budget payable in quarters and assume an additional 25% each fiscal year thereafter until the county assumes the full 100% in 2013/14. There was some discussion on the billing by the State for services rendered.

Ms. Sorensen then said that the state would enter into a contract on a CAMA System from Tyler. She thought that the Central Appraisal Software from Tyler may be cheaper than what they are now paying for Terra Scan. She said that the State would be signing a ten year contract, which the County would be expected to keep after the County assumes 100% of the Assessor’s Office.

A couple of Board Members expressed that they did not think that it was right for the County to be obligated into the ten year contract.

Ms. Sorensen said that she thought that the County would find that it would be economically feasible to stay with the Tyler rather than going with another vendor, but the County would have the opportunity to sign one year contracts with the State for the CAMA System.

Chair McLarty called for the Agenda Item “Open sealed bids for a lease purchase of one new or low hour demo Tractor Loader Backhoe that will be received by Dakota County Nebraska at the office of the County Clerk, PO Box 39, Dakota City NE 68731, until 4:00 P.M., Friday, August 20, 2010. The bids will be opened at 4:15 PM.”

The County Clerk opened the bids in the order that they were received and they were as follows:

Titan Machinery, Case 580N, Case 79 hp engine, Net Bid w/o Trade-in was \$74,300 Less Trade-in of \$22,720 for a Net Bid with trade in of \$51,580 and 60 days for Date of Delivery.

Titan Machinery also submitted two other bids. One was a Net Bid with trade in of \$55,630 for a 95 hp engine and the other was a Net Bid with trade in of \$64,540 for a 108 hp engine.

Ziegler Cat, Cat 416E, Cat 88 hp engine, Net Bid w/o Trade-in was \$67,847.00 Less Trade-in of \$21,000 for a Net Bid with trade in of \$46,847.00 and November Date of Delivery.

Ziegler Cat also submitted one other bid. That was a Net Bid w/o trade in of \$76,215 for a 93 hp engine Less Trade-in of \$21,000 for a Net Bid with trade in of \$55,215.00 and August delivery date.

Murphy Tractor & Equipment Co., John Deere 310J, 84 hp engine, Net Bid w/o Trade-in \$62,383.00, less Trade-in \$20,000. for a net Bid Delivered with Trade-in of \$42,383.00 and a delivery time of two weeks. This is a used machine with about 155 hours on it.

Murphy Tractor & Equipment also submitted one other bid. That was a Net Bid w/o trade in of \$63,462.00 for an 84 hp engine Less Trade-in of \$20,000 for a Net Bid with trade in of \$43,462.00 and two weeks delivery time. This is a used machine with about 55 hours on it.

Chair McLarty called for the Agenda Item “Jesse Finken with Electronic Engineering – GPS for County Vehicles and Equipment

- County to decide and take action whether they want to install GPS Equipment in County Equipment and if so, which equipment.

Mr. Finken gave a demonstration of what information could be generated from the software.

It was discussed by the Board and it was the consensus of the Board to install this equipment in County owned vehicles, but they didn’t know which ones and how many so they were going to get a list together for the next meeting and to put the issue on the agenda for the meeting of September 7<sup>th</sup>.

Chair McLarty called for the Agenda Item “Amber Hupe-Monney – Victims Assistance Program Director and said that she had rescheduled to September 20<sup>th</sup> meeting.

Chair McLarty called for the Agenda Item “Kathy Rhea and Dick Leitschuck with RC&D – To discuss goals, objectives and accomplishments of the RC&D (Resource Conservation and Development) Council to ask the County for Sponsorship of the Nebraska Loess Hills RC & D”

Ms. Rhea explained what all the RC&D did for entities such as Dakota County and asked that the County sponsor RC&D by paying the \$300 membership this fiscal year.

Chair McLarty called for the Agenda Item “Jim Gabel – Claim for surveying”, which was for \$480.

Mr. Gabel said that he was not aware that the County had a Surveying Policy and Kim, County Attorney, had sent him a letter along with the County's Policy and the State Statutes. Mr. Gabel asked if the County had paid for any county corners from 1983 to present.

There was considerable conversation concerning whether or not to pay this claim. It did not fall within the County's policy to pay for any part of the claim as none of the corners fell in the County right-of-way.

Commissioners Rohde and Bousquet spoke in favor of paying eleven hundred dollars.

Fred Franklin, County Surveyor, said that the County pays for all section corners that fall within 66' Road right-of-way because it is presumed that the County probably destroyed them doing maintenance to the roads for what ever reason. All Section Corners were established back in the mid 1800's. That is why the statutes state as they do because the Federal Government actually paid for the placement of all Section Corners and then each individual county is suppose to maintain those corners and then the statute specifies who is going to be responsible for these corners if they get knocked out. That is basically what the policy in 83 says and that is whomever knocks them out is responsible for putting them back in. He went on to say that if they fall in a county road right-of-way we probably knocked them through road grading or whatever and it is our responsibility to put them back. He said that if the corner does not fall within the county right-of-way and falls in a field, then the county doesn't know who knocked it out, the County just knows that the County did not knock it out, but that someone else did and therefore the County does not pay for replacing the corner marker. That is the policy we have been using for quite a long time.

Commissioner Bousquet asked if the markers that he located for Jim fell on maintained county roads.

Mr. Gable said that it was an old road that had been closed years ago.

Mr. Franklin said that when he was out there, he could not tell whether there was ever a road out there.

Mr. Gable asked if the state statute is the same through out the state.

Mr. Franklin said that actually the County is responsible for all the corners because the County Surveyor or the State Surveyor is the only ones with authority to set corners.

Mr. Franklin said that all counties probably don't have the same policy as Dakota County. Dakota County is doing what the statute says, but counties could pay for all section corners if they want. He said that Counties that have a full time surveyor and crews probably don't charge for finding section corners because they just handle everything because they are on a salary and wages and they are just doing their job. Mr. Franklin said that in all the counties that he is in as a part time surveyor are doing it the same as Dakota County.

Mr. Bousquet said that if he was reading it right the county would be paying for two section corners. One at \$800 and one at \$300 and then there were two or three found in Section 19 and that was to establish interior lines. He didn't think that the County should be responsible for interior lines.

Mr. Franklin said according to the invoice there would be \$1,100 of original government corners that he replaced. It looks like there are three of them that are part of Section 19, which would be the northwest 1/4, west 1/4 and Southwest 1/4. That would have been one that would have been on that old County Road.

Mr. Franklin said that from the research that he did before the survey, those corners were set in 1980 when they were reestablished by Wayne Wheeler and they were not there when I went there and did his survey.

Commissioner Rohde said that he thought that if Jim pays for these and later his neighbor uses them, they should be owned by the public. He didn't know why their predecessors did this in 1983.

Mr. Franklin said that they wanted to make sure people were responsible for their actions in the sense that people would not say I am going out to remove my fence and they take a dozer and just start plowing through with no regard for Corners. Don't forget those corners are as much for neighbors as well, so what they wanted people to do is to be responsible for destruction of public property.

Commissioner Rohde asked Fred if he thought it would triple his budget if they got rid of the policy.

Mr. Franklin didn't think it would even double his budget and said that most of the corners are in County road right-of-way until you get in the western part of the county because most of them fall in the hills.

Mr. Rohde thought that the Surveyor should inform the person requesting the survey ahead of time so that we do not have this problem again.

Mr. Franklin said that he doesn't know what he is facing until he does it. He had records saying that those corners were there in 1980. As far as surveying, although that was 30 years ago, that is a short period of time.

Commissioner Rohde moved, seconded by Commissioner Bousquet to reimburse Jim Gabel \$1,100 to find the Section Corners billed at \$800 and \$300 for a total of \$1,100.

The County Attorney was asked what her opinion was and she said that it is not consistent with County policy to pay it.

Chair McLarty clarified that the survey was asked for without the county knowing about it.

Mr. Gabel said that if he would have hired any other surveyor Fred would have still had to set the corners.

Mr. McLarty said that even though you hired Fred to do the survey and even though he works for the County on a part time basis, you hired him as an independent surveyor.

Mr. Bousquet told Mr. McLarty that he was missing the point. Lets say that Mr. Gabel would have hired Surveyor X (Surveyor other than Fred Franklin the County Surveyor) to do the survey, Fred would still had to go out there to establish the corners to do the work and would that have been on the County Ticket?

Mr. Franklin said no and Commissioner Rohde said, but at that time he would have known it would have been his cost.

Mr. Franklin agreed with that because that surveyor would have hired me and I would have told him. He went on to say that I could not have given him a cost either.

Mr. Rohde agreed with that but he would have known that it would be a cost to him. Mr. Gabel asked if he owned those County Corners since he paid for those corners.

It was reiterated that they are public.

Mr. Bousquet rescinded his second to the motion because it was questioned where the old claim was in the parliamentary order of things.

Chair McLarty said the motion is dropped.

Commissioner Bousquet said that the previous claim was denied, and then after thinking about it, he said that there was no denial.

Mr. Rohde said that it was for a different dollar amount anyway. It was for \$480.

Ms. Watson said that her letter was to explain the denial of the claim.

There was discussion whether the prior claim had actually been denied and it was determined that it had not been denied.

Mr. Franklin said that he had done quite a large project for the Pigeon Creek Jones project and I billed the county some of it and I think I billed the NRD about \$4,000. Mr. Franklin said that you have a policy and unless the policy changes, then the County Attorney has to go by exactly what the policy is and I took that's why she sent the letter. That is how I took it. Unless the policy changes and you decide to pay this claim, what does it do to the other people that have paid for corners?

Mr. Gabel reiterated in the 27 years has the County paid for any County Corners.

Mr. Franklin said that during the time he has been County Surveyor, the County has not paid for any corners that did not fall in the County right-of-way. Fred said that he was an assistant to Wayne Wheeler and that was also his policy. Fred did not know what happened in the 80's.

Commissioner Rohde said the reason that he made a motion to pay this claim is because it was in an old road right-of-way and I think the way it was handled the County has some responsibility.

Commissioner Gomez said that the County Attorney stated from the policy that the County would not be liable for that. Reading from the minutes of the prior meeting July 26, Mr. Gomez said that minutes reflect that Commissioner Rohde said that he did not want to go against the County Attorney and Mr. Gabel could come before the Commissioners if he desired.

Commissioner Bousquet said so Bill's motion still stands and my second still stands.

Chair McLarty said so we have a motion to pay the claims for \$1100, is that it?

Commissioner Rohde said yes and Commissioner Bousquet said and a second.

Commissioner McLarty said as far as he is concerned and he read Section two. My personal opinion is that if you start paying for corners requested by private individuals on their own and then they come back in here and you start paying them, you are going to have a lot of claims.

Commissioners Rohde said that along with that I think we need to make them aware of our policy before that and Mr. Gabel echoed that.

Mr. Rohde said that he didn't consider the Board making a precedent here but just trying to make it right for an unfortunate situation.

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

Chair McLarty called for the agenda Item "Railroad blocking E Avenue, the road entrance into Millis Beach. – The railroad blocked E Avenue, which is the entrance for the Millis Beach Area Saturday morning for approximately two and one-half hours. The Board may or may not take action on this in this meeting.

Chair McLarty said that this is on the agenda because the train had blocked E Avenue, the only entrance into the Millis Beach Residential Area.

Commissioner Bousquet said that the only way that this is going to change is for the people to go to the Federal and State Elected Officials and get the law changed to reflect the ten (10) minute rule. They have it in every state and Nebraska doesn't. He said that the railroad official that he talked to said nothing was going to change until that happens because that is just the nature of the beast so until someone approaches a Senator or Congressman you are going to have this forever.

The question why can't we get another road in there for emergency situations or for work was asked.

There was some discussion concerning this and it was determined that Mr. Walsh had someone from the Federal Railroad Association and the Public Service Commission in Lincoln will be here at the meeting on September 7 and inform us of what options they have.

The subject matter will be carried on the agenda and discussed at that time.

Chair McLarty called for the Agenda Item "Levy Allocations for Miscellaneous Subdivisions and read the Levy Resolution for the Historical Society Resolution 09C-012."

RESOLUTION 010C-012

LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

Whereas, Nebraska Revised Statute 77-3443(3) 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	21,935.00	21,935.00	.001843

\*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 23<sup>rd</sup> day of August, 2010.

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

\_\_\_\_\_  
Board Chair

Commissioner Gomez moved, seconded by Commissioner Rohde to adopt Resolution 010C-012 as read by Chair McLarty above, which allocates the Dakota County Historical Society a levy of .001843 per one hundred of value for their Property Tax Request of \$21,935.00 and Property Tax Allocation of \$21,935.00

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

Chair McLarty called for the Agenda Item and read the Levy Resolution for the Agricultural Society Resolution 09C-013, as follows:

**RESOLUTION 010C-013**

**LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS**

Whereas, Nebraska Revised Statute 77-3443(3) 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	\$ 82,200.00	\$ 82,200.00	.006907
Capital Improvement	<u>20,000.00</u>	<u>20,000.00</u>	<u>.001680</u>
Total	\$102,200.00	\$102,200.00	.008587

\*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 23<sup>rd</sup> day of August, 2010.

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

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Board Chair

Commissioner Bousquet moved, seconded by Commissioner McNear to adopt Resolution 010C-013 as read by Chair McLarty above, which allocates the Dakota County Ag. Society a levy of .006907 per one hundred of value for their General Fund Property Tax Request of \$82,200.00 and Property Tax Allocation of \$82,200 and allocates the Dakota County Ag. Society a levy of .001680 per one hundred of value for their Capital Improvement Fund Property Tax Request of \$20,000.00 and Property Tax Allocation of \$20,000.00.

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

Chair McLarty called for the Agenda Item "Adopt Levy Resolution for Homer Fire Department Resolution and read Resolution 09C-014."

**RESOLUTION 010C-014**

**LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS**

Whereas, Nebraska Revised Statute 77-3443(3) 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	\$31,151.09	\$31,151.09	.025346
Sinking Fund	<u>3,850.14</u>	<u>3,850.14</u>	<u>.003133</u>
TOTAL	\$35,001.23	\$35,001.23	.028479

\*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 23<sup>rd</sup> day of August, 2010.

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County Clerk

\_\_\_\_\_  
Board Chair

Commissioner Gomez moved, seconded by Commissioner Bousquet to adopt Resolution 010C-014 as read by Chair McLarty above, which allocates the Fire Protection District #1, Homer a levy of .025346 per one hundred of value for their General Fund Property Tax Request of \$31,151.09 and Property Tax Allocation of \$31,151.09 and allocates the Homer Fire District a levy of .003133 per one hundred of value for their Sinking Fund Property Tax Request of \$3,850.14 and Property Tax Allocation of \$3,850.14.

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 MFO Fire Department Resolution and read Resolution 10C-015, as follows:

**RESOLUTION 010C-015**

**LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS**

Whereas, Nebraska Revised Statute 77-3443(3) 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	90,178.95	90,178.24	.032100
Emerson Rural Fire			
Total	69,000.00	68,500.00	.032100

\*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 23<sup>rd</sup> day of August, 2010.

County Clerk

Board Chair

Commissioner Rohde moved, seconded by Commissioner McNear to adopt Resolution 010C-015 as read by Chair McLarty above, which allocates the Dakota-Covington Rural Fire Protection District a levy of .032100 per one hundred of value for their General Fund Property Tax Request of \$90,178.95 and Property Tax Allocation of \$90,178.95 and allocates the Emerson Rural Fire District a levy of .032100 per one hundred of value for their General Fund Property Tax Request of \$69,000 and Property Tax Allocation of \$68,500.

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

Chair McLarty called for the Agenda Item "Approve Payroll Claims.

Commissioner Bousquet moved, seconded by Commissioner Gomez to approve the Payroll Claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$124,883.67, General Fund Employees Net Pay- \$89,897.03, Employer deductions paid: Retirement- 8,697.05, FICA- 7,560.69, Medicare- 1,768.21, DC Health Plan- 28,200.00, DC Dental Plan- 1,020.84 and Life Insurance- 203.10, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Tracey Corkin- 524.92, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 429.48, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Phyllis Ridge- 963.38, Margaret Rahn- 1254.42, Daniel Christoffers- 544.00, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 881.18, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1443.99, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1080.15, Anthony Bos- 1679.59, Sandy Dickens- 463.70, Brian Ellinger- 1856.99, Penny Epting- 1737.32, Michael Estes- 1472.42, Brent Gilster- 1737.32, Todd Hammer- 1687.87, Melvin Harrison III- 1829.84, Rodney Herron- 1830.92, Jason James- 1801.09, Kimberly Johnson- 153.41, Jared Junge- 1982.84, Michael Kreegar- 1727.04, Gayle Richards- 871.20, Kevin Rohde- 1874.26, James Wagner- 1634.45, Randall Walsh- 1950.18, Bridget Fiedler- 960.00, Kerry Johnson- 926.40, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1253.49, Ermelinda Ballesteros- 1322.75, Mason Billings- 1134.38, Joshua Blatchford- 1359.26, Rebecca Broer- 1417.45, Mario Cruz- 330.00, Sandy Dickens- 836.86, Marjorie Donahue- 1350.94, Lisa Ford- 1326.69, Robert Foster- 1306.53, Ryan Foster- 1134.38, Linda Frost- 836.40, Alma Gunderson- 1347.23, Amber Hamman- 1344.80, Paula Harrigfeld- 610.43, Cathy Harsma- 1343.10, Deanna Haukap- 1265.70, Jeffrey Heitzman- 1236.68, Adam Hough- 1261.11, Michael Jacobson- 1134.38, Brett Johnson- 1330.49, Nicholas Kellen- 1338.98, Brenda Kelly- 1355.39, Terry Kern- 1923.08, Keith Klein- 1257.30, James Kleinberg- 1020.94, Mark Nelson- 1365.38, Travis Olander- 1254.05, Kimberly Peterson- 1257.30, Doyle Pilgrim- 918.00, Daniel Rodasky- 1281.23, Cody Roeber- 1134.38, Jutharatana Ruenprom- 1257.30, Timothy Ryan- 1134.38, Linda Schovanec- 1363.23, Francis Tope- 1242.40, Jewel Williams- 1261.11, Matthew Wise- 1242.06, Cara Wood- 1330.73, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Shirley Voss- 1204.51, Willard Johnston- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- 10,153.42, State- 4,068.89, FICA- 7,560.69, Medicare- 1,768.21, Retirement- 5,887.19, Health Plan- 1,100.00, DC Dental Plan- 546.00, Colonial Health- 16.20, Sheriff Union Dues- 325.00, Deferred Comp- 607.00, Garnishments- 1,517.81, Aflac Health- 534.43, Aflac Life/Dsbl- 161.09 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,316.76, Road Employees Net Pay- \$10,767.37, Employer deductions paid: Retirement- 1,033.88, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 927.29, and Medicare- 216.63, Principal Mutual Life Insurance-

Brent Byroad- 1488.76, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,161.00, State- 484.97, FICA- 926.29, Medicare- 216.63, Retirement- 689.25, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp. - 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 60.00 and Union Dues- 140.00.

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

Chair McLarty called for the Agenda Item "Approve Accounts Payable Claims.

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

GENERAL FUND: Dakota County Star, publishing- 274.38; Holiday Inn of Kearney, lodging- 169.90; Perkins, supplies- 133.91; Bear Graphics, security paper- 14.45; Capital One, ink/hosting- 169.57; Dakota County Star, publishing- 17.43; Des Moines Stamp, seal/repair- 50.00; Midwest office Automation, contract- 465.00; NE Nebraska Assoc of County Officials, registration- 17.00; Perkins, supplies- 75.70; Theodore Piepho, phone- 20.00; Staples, supplies- 65.96; AJ Phillips, supplies- 179.00; Dakota County Star, publishing- 80.23; Des Moines Stamp, supplies- 26.70; Charlotte Doenhoefer, prior yrs- 10.00; Robert Giese, mileage- 120.00; Ruth Jensen, prior yrs- 12.00; Security Shredding, shredding- 35.00; Mardell Sorensen, prior yrs- 26.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, rent- 240.00; Staples, supplies- 49.99; Arnie Mellick, phone- 30.00; Midwest Office Automations, copier- 91.97; Staples, supplies- 55.49; Creighton University School of Law, law review- 25.00; Office System Company, contract- 386.00; Cindy Foley, deposition- 322.00; Frank Gonzalez, interpret- 450.00; NCDAA, member dues- 125.00; Perkins, supplies- 43.26; Siouxland Reporting Service, depositions- 970.00; Thomson West, service- 557.93; Dakota County Sheriff, papers/warrants- 823.05; Miguel Arellano, witness fee- 20.00; Matthew Connealy, court appointed counsel- 825.00; Dakota County Court, costs- 652.75; Randy Hisey, court appointed counsel- 534.00; Kueny & Begley, court appointed counsel- 36.00; Stuart Mills, court appointed counsel- 720.00; Anthony Quinones, witness fee- 46.00; Jeannette Rodriguez, witness fee- 24.00; Richard Thramer, court appointed counsel- 168.88; Patrick Tott, court appointed counsel- 702.00; Valerie Danielson, fridge- 79.00; District Court, claim list- 303.00; Susan Hunke, transcript- 156.00; Norfolk Printing, binders- 467.27; Douglas Roehrich, court appointed counsel- 780.00; Stratton Delay & Doele, court appointed counsel- 4243.37; Woodbury County Sheriff, service- 13.36; Maximus, allocation plan- 998.19; Benstar Packaging, supplies- 85.14; Bunkers Feed & Supply, salt- 62.64; Gill Hauling, service- 120.00; Joes Dept Store, repair- 69.32; Mahr Construction, repair- 12285.00; Menards, supplies- 1047.50; MidAmerican Energy, utilities- 1357.00; Nebraska Public Power District, utilities- 4044.99; O'Keefe Elevator, maintenance- 640.00; Richard Jensen, mileage- 66.05; Share Corporation, supplies- 249.80; Siouxland Lock & Key, repair- 53.00; Trembly Pest Control, service- 50.00; United Rentals, rent- 49.41; Verizon, phone- 68.26; Wilmes Hardware Hank, repair- 56.62; UNL Extension, reimburse- 1620.39; PMNRD, rent- 833.33; AJ Phillips, forms- 326.00; Ameritas Investment, lease- 11527.23; Bank of Dixon, lease- 13780.37; Kerry Bligh, animal control- 50.00; Bort Auto Body, deductible- 250.00; City of South Sioux City, phone/copies/fuel- 5207.72; Dakota County Star, publishing- 100.71; Dakota Food & Fuel, fuel- 760.95; Electronic Engineering, siren- 283.25; Fremont Tire, service/repair- 3147.14; Jacks Uniforms, supplies- 202.45; Jackson Glass, windshield- 260.53; Moore Wallace, citations- 478.28; Office Systems Company, contract- 195.00; Old Republic Surety Group, bond- 100.00; RACOM Corp, t1- 648.80; Sign Masters, repairs- 145.00; Torco Remfg, supplies- 300.15; Verizon, phone- 286.88; Wal-Mart, dog food- 21.98; AJ Phillips, cards- 61.50; Dakota County Treasurer, notary- 100.00; H2O4U, water- 55.00; Iowa Office Supply, contract- 116.45; Peter Parry, dues/phone- 260.00; Pathology Medical Services, autopsy costs- 1340.82; Siouxland Reporting, deposition- 273.00; City of South Sioux City, lec cost share/equipment- 30617.96; BI Inc, electronic monitoring- 511.19; Redwood Biotech, drug test- 75.38; Staples, supplies- 29.99; Verizon, phone- 89.25; Advanced Energy Fuels, fuel- 593.92; Amsan, supplies- 2097.77; Aramark, service- 57.58; BI Inc, electric monitoring- 323.95; Bob Barker, supplies- 1102.94; Bunkers Feed & Supply, salt- 101.38; CBM Food Service, food- 20660.40; Dakota Business Systems, contract- 281.00; Dakota Family Dentistry, medical- 131.00; Dakota Food & Fuel, fuel- 193.74; Dept of Correctional Serv, medical/safekeepers- 2744.33; Sandy Dickens, mileage- 92.00; Marjorie Donahue, mileage/batteries- 34.21; Fremont Tire, service- 27.06; Gill Hauling, service- 120.00; Amber Hamman, mileage- 65.00; Jacks Uniforms Equip, supplies- 299.55; Joes Department Store, supplies- 70.66; Kleen Solutions, supplies- 124.90; Mercy Business Health, medical- 2775.00; Mercy Medical Center, medical- 350.80; Mercy Medical Physicians, medical- 116.80; MidAmerican Energy Company, utilities- 431.00; Midwest Office Automations, copies- 243.23; Nebraska Dept of Labor, inspections- 144.00; NW Iowa Emerg Phys, medical- 302.00; Nebraska Public Power Dist, utilities- 4494.25; Net Sys Plus, repair- 620.00; Office Systems Company, contracts- 417.00; Doyle Pilgrim, mileage- 10.00; Siouxland Federal Credit Union, fuel/meals- 865.49; Staples, supplies- 143.21; Trembly Pest Control, service- 35.00; Verizon, phone- 159.61; Wal-Mart, supplies/prescriptions- 4669.94; Woodbury Co Juvenile Det, boarding- 17100.00; Dakota Business Systems, rental- 102.00; Holiday Inn, lodging- 169.90; Fred Kellogg, meals- 50.31; Verizon, phone- 33.19; Heritage Express, fuel- 128.00; Hubbard Minimart, fuel- 363.00; Leon Pies, workshop- 10.00; AJ Phillips, cards- 72.00; Carex, supplies- 94.63; Pam Devries, mileage- 126.00; Perkins, supplies- 63.64; Sanofi Pasteur, tests- 113.84; Roxanne Voss, mileage- 91.00; Thomas Wentz, physician- 250.00; AJ Phillips, cards- 25.00; Staples, ink- 64.27; Perkins, supplies- 103.73; Bill Johnston, mileage/meal/sign/phone- 252.12; Thomson West, service- 877.43; Business Telecomm System, service- 408.00; CableOne, internet- 169.96; Claritus, ink- 140.29; Clerk of US Dist Court, settlement- 2539.20; FiberComm, phone- 1121.75; FSH Communication, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; Jared Junge, reimburse- 19.50; Mailfinance, lease- 227.00; MIPS, support- 422.38; Norm Waitt, membership- 332.50; SIMPCO, dues- 3565.00; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fees- 75.00; Todd Realty, referee-

2437.50; US Postal Service, postage- 2500.00; Road Fund, budget transfer- 90000.00; James Gabel, reimburse- 1100.00;

ROAD FUND: Ace Engine & Parts, parts- 30.00; Aramark, service- 352.73; AZ Inc, fuel- 145.11; Bank of Dixon, payment/interest- 20979.87; Barkley Asphalt, asphalt- 63.00; Butch's Truck Repair, supplies/repair- 736.96; Dakota County Star, publishing- 147.22; First State Bank, grader payment/interest- 15559.03; Frame Aligners, parts- 347.16; Fremont Tire, service- 30.86; Gill Hauling, service- 55.00; Great Plains Int, parts- 24.32; William Haafke, gravel- 712.41; Ron Harder, clothing- 75.00; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 3692.53; H2O4U, water- 8.50; Jackson Glass, parts/labor- 150.00; J&J Pronto, fuel- 199.54; Joes Dept Store, parts/supplies- 305.49; Kinetic Leasing, loader payment- 2458.00; LG Everist, gravel- 39712.83; Linweld, oxy- 82.35; Midwest Service & Sales, blades- 3452.20; Arnie Mellick, clothing- 75.00; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts- 56.12; Nebraska Public Power Dist, utilities- 27.44; Northeast Equip, tractor rental- 900.00; NE Nebraska Public Power Dist, utilities- 230.63; Northeast Nebraska Telephone, phone- 166.09; Peterson Sand & Gravel, gravel- 23156.20; Pumps, tires- 331.99; Powerplan Murphy, parts/labor- 9073.07; Pro-Build, lumber/flags- 70.20; Rees Mack Sales, parts- 124.89; Siouxland Hydraulics, air comp- 29.82; Siouxland Lock & Key, misc- 38.20; Steffen, parts- 16.23; Titan Access, parts/supply- 273.84; Verizon, phone- 62.81; Warren Oil, diesel- 7385.88; Ziegler's, parts/supplies- 446.98;

HARD SURFACE: Olsson Associates, engineering- 336.00;

VISITORS PROMOTION: South Sioux City Chamber of Commerce, lodging tax- 12185.37;

HEALTH PLANNING GRANT: Hitches Trailers & More, repair- 75.92; Hy-Vee, food- 57.82; Midwest Office Automations, copies- 722.50; Deanna Beckman, hours- 1215.00; Mercy Medical Center, symposium- 178.00; Pam Devries, mileage- 25.50;

EECBG GRANT: Plan Architecture, admin- 1500.00;

INHERITANCE TAX: Wayne State Foundation, contribution- 10000.00;

PUBLIC SAFETY: Jail Bond Fund, sales tax- 29584.75; City of South Sioux City, sales tax- 4034.28;

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

Chair McLarty called for the Agenda Item "Officials Reports".

Commissioner McNear moved, seconded by Commissioner Bousquet to acknowledge receipt of and approve the Official's Reports of the Register of Deeds, County Clerk and the Clerk of the District Court for the months of June and July, 2010, and the County Clerk's Report, Sheriff's Report and the Corrections Quarterly Reports for the quarter April through June, 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 "Office Inventories are to be filed by August 31, 2010" as an informational item.

Chair McLarty called for the Agenda Item "Reject G Avenue Bids because the County decided to do the project."

Commissioner Rohde moved, seconded by Commissioner McNear to reject the two bids that were opened July 26, 2010 from David Criss for the amount of \$9,630.00 and the one from Oban Construction in the amount of \$21,460.00 because the County decided that they could do the project cheaper.

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

Chair McLarty called for the Agenda Item "Storm Water Management Plan Program Grant Application and for the Board Chair to sign for fifth year grant funding".

Commissioner Bousquet moved, seconded by Commissioner Gomez to authorize the application for the Storm Water Management Plan Program Grant Application 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 "Approve Title VI Annual Report for Local Public Agencies and the chair to sign all documents affiliated with said report- Board to discuss and approve this report. If the report is not complete, the Board will recess to Monday, August 30, 2010."

The report was not ready and Mr. McLarty advised the Board and the public that the report was not ready and that they would recess until Monday, August 30, 2010, at 8:30 a.m.

Chair McLarty called for the Agenda Item "Commissioner's Committee Reports".

Commissioner Rohde reported that the Budget Committee met with all the Department Heads and that the Budget Hearing will be held September 7, 2010.

Commissioner Gomez reported that there was a Planning and Zoning Meeting on August 17<sup>th</sup>.

Chair McLarty called for the Agenda Item "Commissioner's Member Reports".

Commissioner McLarty said that he had received a letter from Paul Johnson.

Chair McLarty called for the Agenda Item "Public Comment" and there were 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 Bousquet moved, seconded by Commissioner Rohde to recess their meeting of August 23, 2010 until Monday, August 30, 2010 at 8:30 a.m.



ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- Yea and Rohde- Yea. UNANIMOUS MOTION CARRIED. 6:03 p.m.

Chair McLarty reconvened their meeting of August 23, 2010 at 8:43 a.m. on August 30, 2010.  
Roll Call: Present were Commissioners Bousquet, McLarty, Rohde, Gomez, McNear and Ted Piepho Secretary. Absent: None  
Joan Spencer, Administrative Assistant to the Board and Kim Watson, County Attorney, were also present.

Chair McLarty called for the Agenda Item "Approve Title VI Annual Report for Local Public Agencies and the chair to sign all documents affiliated with said report– Discuss and approve the report".

Ms. Spencer connected the speaker phone so that the Board of Commissioners could have a telephone conference call with Joe Johnson concerning the status of the Title VI Report. The report is to be filed with the Nebraska Department of Roads by August 31, 2010, which is the deadline for filing said report.

It was determined that the Resolution had been signed in March, 2010, but it was necessary for the chair to sign the actual report.

Commissioner Gomez moved, seconded by Commissioner Bousquet to authorize the chair to sign the Title VI Nondiscrimination Agreement, Nebraska Department of Roads and County of Dakota County, Nebraska.

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

With no further business Chair McLarty called for a motion to adjourn.  
Commissioner Rohde moved, seconded by Commissioner McNear to adjourn.  
ROLL CALL VOTE: Bousquet- Yea, Rohde-Yea, McNear- Yea, Gomez- Yea, and McLarty- Yea. UNANIMOUS MOTION CARRIED. 8:51 a.m.



Dakota 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 7, 2010  
Dakota City Council Chambers  
Dakota City Hall  
1511 Broadway Street  
Dakota City, NE 68731

Chair McLarty called the meeting to order at 4:08 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Commissioners McLarty, Rohde, McNear, Gomez and Daniel Christoffers, Acting Secretary, Joan Spencer, Administrative Assistant to the Board, and Kim Watson, County Attorney.

Absent: Commissioner Bousquet

The agenda for the meeting was as follows:

- Call meeting to Order
  - A current copy of the Open Meetings Act is posted on the back, or south wall, of this room, between the two windows and is available for review by all citizens in attendance.
    - Roll Call
    - Approve minutes of August 23, 2010
- Scott Elston and others with Nebraska Public Service Commission and Howard Gillespie, with the Federal Railroad Administration out of Kansas City, and possibly someone from the railroad will be present to discuss with the board various options that Dakota County has in regards to the crossing problem at the entrance to Millis Beach.
  - Railroad blocking E Avenue, the road entrance into Millis Beach. – The railroad blocked E Avenue, which is the entrance for the Millis Beach Area one Saturday morning for approximately two and one-half hours. The Board may or may not take action on this in this meeting.
- Kira Oregon - Provide brief overview of Executive Summary and wellness recommendations from recent voluntary employee wellness screening.
  - Approval/disapproval from the Board on a County Wellness Committee.
    - Assign a Board Member if applicable
- Budget Hearing
  - **4:40 p.m.** Public Hearing for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the 2010-11 Proposed County Budget.
    - Board approval to increase the base restricted funds by an additional 1% - \$47,286.14.
      - Motion to approve increasing the base restricted funds by an additional 1%.
    - Adopt resolution 10C-016 Adoption and Appropriations of the 2010-11 Dakota County Budget.
      - Motion to adopt and approve Resolution 10C-016 adopting the 2010-11 Dakota County Budget.
  - **4:45 p.m.** Public Hearing for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to Setting the Final Tax Request at \$5,303,690.55.
    - Resolution 10C-017 setting the 2010-11 Property Tax Request at \$5,303,690.55
      - Motion to adopt and approve Resolution 10C-017 setting the 2010-11 Property Tax Request.
- Fred Kellogg, County Road Director - Present the board with a buy-recycle policy resolution for the county and approve same.
- Sally Reinert - Requesting Board to adopt 2010 Solid Waste Study
  - Adopt Resolution 10C-018 that the Dakota County Solid Waste Study is hereby approved and adopted and sign same.
- Miscellaneous Agenda Items
  - GPS for County Vehicles and Equipment
    - County to decide and take action on whether they want to install GPS Equipment in County Equipment and if so, which equipment, or how many units.
  - Award bid for a lease purchase of one new or low hour demo Tractor Loader Backhoe
  - Approve Payroll Claims
  - Approve Accounts Payable Claims. If any.
  - Officials Reports
  - Road and Bridge Signage – Approve placement of Bridge weight limitations at other locations other than on the bridge itself.
  - All Office Inventories were filed on or before August 31, 2010.
    - Assign a Committee to check inventories
- Commissioner's Committee Reports
- Commissioner's Member Reports
- Public Comment
- Mail and/or Emergency Business

➤ Adjournment

Commissioner Gomez moved, seconded by Commissioner McNear to excuse Commissioner Bousquet from the meeting.

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

Commissioner Rohde moved, seconded by Commissioner Gomez to approve the minutes of August 23, 2010 as typed and prepared for the Official Record.

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

Chair McLarty opened up the meeting for public comment on the subject of the Millis Beach railroad crossing and the blockage of their road.

Susan Church appeared before the board and said that since their recent 2 ½ hour blockage of their only exit, they also have had other 30 minute blockages. She said that there is a safety issue because a gentleman exited his vehicle and walked between railroad cars.

Chair McLarty stated that the County has no authority over the railroad. Only the Federal Government has authority but wanted to give the public an opportunity to express their feelings on the subject to the invited attendees.

Leroy Tramp appeared before the board, he said he has lived there for 30 years and for many years previously there was never any problem with a train blocking the road. He suggested an alternate train route for the trains. He said that when the road is blocked it is at minimum 30 minutes and it is frequent (4 or 5 times; in one day). He said there was a verbal agreement years ago with the commissioners that they would provide a solution.

Howard Gillespie, with the Federal Railroad Administration out of Kansas City – a safety manager, appeared before the board. He said there is not a federal regulation regarding trains blocking crossings. Some states do have blocked crossing statutes but there is a difficult time enforcing them. He discussed impatience, and the dangers of trying to beat a train. He encouraged citizens to call the 1-800 number referenced on the crossing sign.

Adam Holmes, who lives on Erie Drive, stood and stated that he called the 1-800 number three times during the 2 ½ train blockage of the road and nothing happened.

Commissioner Gomez asked what happens if no one answers or if nothing is done. Adam said that they answer but nothing is done.

Susan Church said the number has been called numerous times and it has routed through Kansas and Texas. She wanted to know why they didn't get ahold of someone here.

Howard Gillespie said their dispatching is centralized.

Nicole Mulcahy, an attorney with the Nebraska Public Service Commission, appeared before the board and said that they have limited jurisdiction over railroads. Federal Regulations preempt Nebraska regulations. She said there is an old 10-minute rule on the books in Nebraska that requires crossings to be open within 10 minutes after someone shows up at a crossing and desires to cross. It requires a number of judicial proceedings and may not withstand legal challenges.

Commissioner Rohde asked if this has been challenged recently. Nicole said that it hasn't.

Commissioner Rohde asked if it referenced a specific dollar amount in regard to fines. Nicole said that it does not and that would be up to the Board of Commissioners.

Peggie Schroeder, on Eagle Drive, stated that she believes another road out is the best solution. She asked if the board has any control over that.

Commissioner Rohde said that some years ago a committee was formed and alternate routes were considered. He said a solution was never found, but they tried to get landowners involved to donate land. He said the board has the power of eminent domain but preferred a voluntary action.

William Church, on Eagle Drive, appeared before the board and discussed alternate routes but explained problems with those routes. He stressed the need to acquire land for a road.

Scott Elston, Railway Safety Inspector with the Nebraska Public Service Commission appeared before the board. He said a road is the best way to get around the problem. He said that if there is a problem with the train or an emergency with the railroad they can block the crossing indefinitely and that the problem is going to grow as the industry grows and the number of cars in a train grows.

Commissioner Rohde asked if the board would be able to approach the Railroad and ask if the County could make a frontage road in the right-of-way.

Scott Elston said there may be liability for the railroad and believes that would be a tough fight.

Chair McLarty mentioned that the Board members had also received a letter from Brigitte Holmes and that if anyone is willing to record the times and incidents where a block occurs, he would write a letter informing our legislators.

Commissioner McLarty acknowledged receiving a letter from Brigitte Holmes and it read as follows:

8-23-10

From: Brigitte Holmes

1607 Erie Dr.

Dakota City, NE, 68731

On Saturday August 14th, 2010 there was a Burlington train that had come to a complete stop. It was approximately 9:30am, I phoned in to Burlington at aprox.9:50 to inform them that the train was not moving. The operator told me that the engineer was waiting to get into the "yard" and to call back "in a bit" if it did not move. At that time all I could do was wait, a group of kids came by and informed me that the train had been sitting there since they got there at about 8:50am,so by this time more than an hour had passed. I called the operator back and she still informed me that the train was waiting to get

into the yard, she said it should be moving soon, after waiting another 20 minutes I decided to call local law enforcement, the dispatcher there informed me "There wouldn't be much we could do". After aprox. 2 1/2 hours the train finally moved This was exactly at 11:15am.

This is what concerns me the most:

1. What if there was an emergency, there are a lot of people, some elderly, young kids, and some with medical issues that may at some point need emergency care. At what point do you value a human life?.. Next time it may not be just a simple inconvenience for us (being late for work etc),,it may mean a tragic death that could have been avoided.

2. We that live here pay property taxes also, how come we always seem to come in last place? We are a community out here but yet we play not even "second fiddle". When it comes to clearing our roads of snow and grating and graveling our roads. Last year I had to spen over 1000 fixing my car because the roads were not plowed right in the snow. They never come out and grate, and if they do they only put enough gravel down for a small driveway.

As a tax payers and home owners . .this has got to come to a stop. .we need an access road and our roads to be taken care of.

Thank you,

Brigitte Holmes

Sat Aug, 21<sup>st</sup> 4:50 a.m. – Train stopped for ½ hr

Kira Oregon appeared before the board and provided an overview of the Wellness screening. She believed it was a success and made some comments regarding the results. She recommended the approval of a wellness committee.

Commissioner Gomez said he had participated and was pleased with the presentation of results and information.

Chair McLarty opened the public hearing for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the 2010-11 Proposed County Budget at 4:53 p.m.

Joan Spencer, Administrative Assistant to the Board said the tax levy would increase by .002205 percent. She mentioned various items related to the need for the increase.

**THE REST OF THIS PAGE IS LEFT BLANK INTENTIONALLY BECAUSE THE IMAGE ON THE NEXT PAGE WOULD NOT BE LEGIBLE IF SHRUNK TO FIT THE REMAINDER OF THE PAGE.**

NOTICE OF BUDGET HEARING AND BUDGET SUMMARY

State of Nebraska  
 Budget Form - NBH-COUNTY  
 Statement of Publication

Dakota County

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 7th day of September, 2010, at 4:40 p.m. in the Dakota City Council Chambers, 1511 Broadway Street, Dakota City, Nebraska, for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget. The budget detail is available at the office of the County Clerk during regular business hours.

/s/ Joan Spencer Budget Coordinator

FUNDS	Actual Expense	Actual Expense	Requirements	Requirements	Cash on Hand and Estimated Other Revenue (5)	2010-2011 Total Property Tax Requirement (6)
	2008-09 (1)	2009-10 (2)	2010-11 (3)	Necessary Cash Reserve (4)		
General (0100)	7,360,526.10	8,083,402.24	9,069,088.47	1,100,000.00	4,896,284.80	5,272,803.67
Road (0300)	1,477,174.83	1,936,846.23	1,646,009.52	100,000.00	1,746,009.52	0.00
Hard Surface(302)	-	-	694,901.04		694,901.04	0.00
Road Impr (0802)	95,487.19	249,203.64	196,366.85		196,366.85	0.00
Visitors Prom (0990)	139,597.43	116,499.52	175,000.00		175,000.00	0.00
Poor Relief (1500)	6,612.46	6,260.50	20,600.00	3,000.00	14,040.46	9,559.54
Institutions (1700)	3,280.63	2,160.00	18,540.00	5,000.00	22,138.06	1,401.94
Veterans Aid(1900)	22,000.00	17,275.14	20,600.00	7,000.00	7,674.60	19,925.40
S.T.O.P. (2350)	1,231.44	1,248.65	22,500.00		22,500.00	0.00
Co. Drug (2360)	-	-	10,000.00		10,000.00	0.00
Federal Forf(2410)	-	-	5,000.00		5,000.00	0.00
NEMA Grant (2501)	-	-	144,000.00		144,000.00	0.00
Health Planning(2502)	-	-	71,000.00		71,000.00	
Co. Aid Enh. Grant(2503)	-	-	8,598.00		8,598.00	
EECBG Grant (2504)	-	9,023.11	78,276.89		78,276.89	0.00
LE Equipment (2505)	1,534.40	29,344.59	100,000.00		100,000.00	0.00
LEC Grant (2510)	42,976.00	63,301.20	100,000.00		100,000.00	0.00
Inheritance Tax (2700)	140,280.47	17,715.00	589,813.24		589,813.24	0.00
Pub Safe Sales Tax(2960)	311,801.09	324,786.67	550,000.00		550,000.00	0.00
Hunt Memorial Fund	-	-	466.57		466.57	0.00
Jail Bond Fund (3300)	877,300.00	953,925.00	2,562,211.02		2,562,211.02	0.00
Jail Tax Bond (3301)	-	-	171,384.82		171,384.82	0.00
Handicap (4010)	-	-	2,150.26		2,150.26	0.00
Noxious Weed (5400)	19,384.31	28,007.52	137.08		137.08	0.00
E911 (5907)	83,779.77	83,308.58	166,897.89		166,897.89	0.00
TOTALS	10,582,966.12	11,922,307.59	16,423,541.65	1,215,000.00	12,334,851.10	5,303,690.55

Total Property Tax Requirement for Bonds 0.00

Total Property Tax Requirement for ALL Other 5,303,690.55

Unused Budget Authority created for next year 685,603.80

NOTICE OF SPECIAL HEARING TO SET FINAL TAX REQUEST

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1601.02, that the governing body will meet on the 7th day of September, 2010, at 4:45 p.m., at Dakota City Council Chambers, 1511 Broadway Street, 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.

2009-10 Property Tax Request	5,185,962.72	2010-2011 Proposed Property Tax Request	5,303,690.55
2009 Tax Rate	0.443421	Proposed 2010 Tax Rate	0.445626
Property Tax Rate (2009-2010 Request/2010 Valuation)	0.435735		

published 9-2-10

Chair McLarty asked for public comment from those who would like to speak in favor: there were none. Chair McLarty asked for public comment from those who would like to speak against: there were none. Chair McLarty asked for public comment from those who would like to speak in a neutral position. Dennis Reinert appeared before the board and asked about FEMA money reimbursement. Fred Kellogg said that FEMA is slow to distribute those funds but some money was approved by FEMA. Chair McLarty closed the public hearing at 4:59 p.m.

Commissioner Rohde moved, seconded by Commissioner Gomez to increase the base restricted funds by an additional 1% -\$47,286.14.

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

Commissioner Gomez moved, seconded by Commissioner McNear to approve resolution 10C-016 that the budget for the Fiscal Year July 1, 2010, to June 30, 2011, as categorically evidenced by the Budget Document be, and the same hereby is, adopted as the Budget for Dakota County for said fiscal year. 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, 2010, and ending June 30, 2011. Also 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. RCVUMC.

Resolution 10C-016 follows:

Dakota County

RESOLUTION 10C-016 OF ADOPTION AND APPROPRIATIONS

WHEREAS, a proposed County Budget for the Fiscal Year July 1, 2010, to June 30, 2011, prepared by the Budget Making Authority, was transmitted to the County Board on the 7th day of September, 2010.

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, 2010, to June 30, 2011, 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, 2010, and ending June 30, 2011.

SECTION 3. That the income necessary to finance the appropriations made and expenditures authorized shall be provided out of the unencumbered cash balance in each fund, revenues other than taxation to be collected during the fiscal year in each fund, and

DATED AND PASSED THIS 7th DAY OF SEPTEMBER, 2010.

COUNTY BOARD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Chair McLarty opened a public hearing for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to Setting the Final Tax Request at \$5,303,690.55. 5:00 p.m.  
Chair McLarty asked for public comment from those who would like to speak in favor: there were none.  
Chair McLarty asked for public comment from those who would like to speak against: there were none.  
Chair McLarty asked for public comment from those who would like to speak in a neutral position, there were none.  
Chair McLarty closed the public hearing at 5:02 p.m.

Commissioner Gomez moved, seconded by Commissioner McNear to approve to approve resolution 10C-017 setting the 2010-2011 property tax request at \$5,303,690.55 and that a copy of this resolution be certified and forwarded to the County Clerk prior to October 15, 2010, as follows:

**RESOLUTION 10C-017 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 2010-2011 property tax request be set at \$5,303,690.55.
- 2. A copy of this resolution be certified and forwarded to the County Clerk prior to October 15, 2010.

Adopted this 7<sup>th</sup> day of September, 2010.

Attest:

\_\_\_\_\_  
County Clerk Chair  
ROLL CALL VOTE: McLarty- Yea, Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea. UNANIMOUS MOTION CARRIED.

Fred Kellogg appeared before the board and requested the board to approve a buy-recycle policy resolution that will help with grants.

Commissioner Rohde moved, seconded by Commissioner McNear to approve Resolution 10C-019, the Buy-Recycling Policy, as follows, and that the County Board members and Clerk are authorized to sign the same.

**BOARD OF COMMISSIONERS**  
**DAKOTA COUNTY, NEBRASKA**

**RESOLUTION 10C-019**

**RESOLUTION REGARDING BUY-RECYLING POLICY FOR DAKOTA COUNTY NEBRASKA**

**WHEREAS**, it is the policy of Dakota County to be a leader in the recycling effort; and  
**WHEREAS**, Dakota County shall continue abiding by its statutory bidding requirements related to obtaining bids/quotes from area suppliers; and

**WHEREAS**, it is the desire of Dakota County to encourage the use of recycled materials and will strive to continually increase the percentage, type, and variety of total annual purchases of product, materials, or supplies manufactured or produced from post consumer material; and

**WHEREAS**, Dakota County actively pursues the purchase of recycled materials for the County's own use; and

**WHEREAS**, Dakota County wishes to establish the following policy of buying recycled materials for all departments and administrative offices:

- 1) Paper purchases shall require a minimum of 10% recycled material of which 10% shall be post consumer waste. Deviations from this requirement must be approved by department heads; and
- 2) Tires purchased shall include the purchasing of retread tires where feasible; and
- 3) Other purchases of the County will consider recycled materials in the bidding process when available.

**THEREFORE, BE IT RESOLVED**, that the Dakota County Board of Commissioners hereby approve the above Buy-Recycling Policy and the County Board members and Clerk are authorized to sign the same.

Resolved this \_\_\_\_\_ day of September, 2010.

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

\_\_\_\_\_  
Richard Bousquet  
Commissioner

\_\_\_\_\_  
Antonio Gomez  
Commissioner

\_\_\_\_\_  
Richard McNear  
Commissioner

\_\_\_\_\_  
Bill B. Rohde  
Commissioner  
APPROVED AS TO FORM:

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

\_\_\_\_\_  
Kim Watson, County Attorney

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

Sally Reinert appeared before the board and said that a Solid Waste management plan will help in obtaining grants and it needs to be a dynamic plan.

Commissioner Rohde moved, seconded by Commissioner Gomez to approve the Dakota County Solid Waste Study and adopt Resolution 10C-018 as follows:

**RESOLUTION 10C-018**

**Adoption of the Dakota County Solid Waste Study**

**WHEREAS**, the County of Dakota County, Nebraska agrees to adopt the Dakota County Solid Waste Study developed by Keep Northeast Nebraska Beautiful; and

**WHEREAS**, the Dakota County Solid Waste Study was prepared to study solid waste issues in Dakota County and the communities therein; and

**WHEREAS**, the Dakota County Solid Waste Study identifies the solid waste issues within the county and its communities; and

**WHEREAS**, the County of Dakota County set September 8, 2010 as a public hearing date to review and adopt the plan; and

**WHEREAS**, there were no objections at the hearing or submitted in writing;

**NOW THEREFORE, BE IT RESOLVED** by the County of Dakota County that the Dakota County Solid Waste Study is hereby approved and adopted.

Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_

ATTEST

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

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

Commissioner Rohde discussed the issue of GPS units being installed in county vehicles and that the units were transferrable.

Chair McLarty said that this is being done to bring accountability to the County to make sure any service the public is concerned with is being done.

Commissioner Rohde moved, seconded by Commissioner Gomez to authorize GPS units being installed in county vehicles for three departments – Road, Sheriff, and Jail with the number of units to be determined later.

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

Fred Kellogg appeared before the board to recommend the Tractor Loader Backhoe bid go to Murphy Tractor.

Commissioner Rohde moved, seconded by Commissioner McNear to accept the bid from Murphy Tractor, a John Deere Model 310J for 43,462.00.

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

Commissioner Rohde moved, seconded by Commissioner McNear to approve the payroll Claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$130,000.76, General Fund Employees Net Pay- \$93,314.93, Employer deductions paid: Retirement- 9,043.25, FICA- 7,891.66, Medicare- 1,845.60, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 200.80, Principal Mutual Life Insurance- 1,263.19.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 954.40, Marisol Curiel- 958.40, Darlene Davis- 930.40, Robert Giese- 1634.45, Ruth Gillaspie- 1235.89, Jolene Heinemann- 996.00, Phyllis Ridge- 976.14, Margaret Rahn- 1254.42, Daniel Christoffers- 793.90, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 909.60, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1565.85, Duane Kotalik- 1350.40, Tammy Dunn-Peterson- 912.00, Jeremy Bermel- 1730.30, Anthony Bos- 1702.38, Sandy Dickens- 463.70, Brian Ellinger- 2272.19, Michael Estes- 1481.29, Brent Gilster- 1644.80, Todd Hammer- 1967.48, Melvin Harrison III- 1788.72, Rodney Herron- 1830.92, Jason James- 1824.61, Kimberly Johnson- 494.62, Jared Junge- 1718.82, Penny Kleinberg- 1716.76, Michael Kreegar- 1644.80, Gary Powell- 96.00, Gayle Richards- 871.20, Kevin Rohde- 1765.54, James Wagner- 1634.45, Randall Walsh- 2097.72, Bridget Fiedler- 960.00, Kerry Johnson- 926.40, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1200.21, Jacob Acero- 1670.69, Ermelinda Ballesteros- 1489.10, Mason Billings- 1266.75, Joshua Blatchford- 1347.09, Rebecca Broer- 1413.32, Sandy Dickens- 739.03, Marjorie Donahue- 1363.31, Lisa Ford- 1338.79, Robert Foster- 1516.25, Ryan Foster- 1839.23, Linda Frost- 816.00, Alma Gunderson- 1371.72, Amber Hamman- 1458.29, Paula Harrigfeld- 447.86, Cathy Harsma- 1326.82, Deanna Haukap- 1281.23, Jeffrey Heitzman- 1509.89, Adam Hough- 1253.49, Michael Jacobson- 1725.77, Brett Johnson- 1376.58, Nicholas Kellen- 1330.86, Brenda Kelly- 1347.23, Terry Kern- 1923.08, Keith Klein- 1249.68, James Kleinberg- 1529.78, Mark Nelson- 1365.38, Travis Olander- 1277.34, Kimberly Peterson- 1253.49, Doyle Pilgrim- 948.60, Daniel Rodasky- 1399.67, Cody Roeber- 1725.77, Jutharatana Ruenprom- 1525.91, Timothy Ryan- 1565.88, Linda Schovanec- 1346.40, Francis Tope- 1242.40, Jewel Williams- 1468.76, Matthew Wise- 1253.49, Cara Wood- 1358.95, Jolene Gubbels- 1018.40, Leon Pies- 640.00, Pamela DeVries- 1636.90, Bonnie Kahler- 734.50, Shirley Voss- 1067.63, Willard Johnston- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- 11,028.93, State- 4,340.69, FICA- 7,891.66, Medicare- 1,845.60, Retirement- 6,118.32, Health Plan- 900.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 325.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac Health- 534.40, Aflac Life/Dsbl- 161.06 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$15,861.68, Road Employees Net Pay- \$11,126.97, Employer deductions paid: Retirement- 1,070.67, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 960.10, and Medicare- 224.54, Principal Mutual Life Insurance- 226.42.

Brent Byroad- 1649.18, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1287.97, Robert Jacobsen- 1292.00, Fred Kellogg- 1648.00, Kimon Litras- 1288.00, Arnold Mellick- 1776.60, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1299.93, James Swanson- 1144.00.

ROAD FUND: Employee withholding paid to: Federal- 1,248.26, State- 516.79, FICA- 960.10, Medicare- 224.54, Retirement- 713.78, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.40, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 60.00 and Union Dues- 140.00.

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

Commissioner McNear discussed the Road and Bridge signage issue. He had phone calls from people worried that have semi's that go down a road and discover that a bridge is not capable of handling their tonnage. He wants to know if it's possible to get signage at the crossroad before the bridge.

Fred Kellogg said there is no statute that requires that. He looked into signs and did not see that one was made that would say "3 ton bridge ahead", it would have to be specially made.

Commissioner McNear wanted to know how many bridges that handle 11 tons or less.

Fred Kellogg wasn't sure but said there are 52 bridges in the county.

The Board asked how many bridges that would involve and how many signs as well as cost.

Fred Kellogg said he would look into that.

Chair McLarty said that a committee is needed to check inventories.

The board decided the property committee should review the inventories which consisted of Commissioner Gomez and Commissioner Rohde.



Chair McLarty called for the agenda item: Commissioner's Committee Reports – there were none.  
Chair McLarty called for the agenda item: Commissioner's Member Reports.  
Commissioner Gomez mentioned a parade that everyone was invited too.  
Chair McLarty called for the following agenda item: Public Comment  
Dennis Reinert appeared before the board and asked about the opening of Kenny Baker Bridge as well as G Avenue.

Commissioner McNear moved, seconded by Gomez to adjourn their meeting of September 7, 2010 at 5:22 p.m.

ROLL CALL VOTE: Bousquet- Absent, Rohde-Yea, McNear- Yea, Gomez- Yea, McLarty- Yea.  
UNANIMOUS MOTION CARRIED. 5:22 p.m.



Dakota 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 20, 2010, 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 4:10 p.m. Chair McLarty informed those in attendance of the location of the Open Meetings Act.

Roll Call: Present were Commissioners McLarty, Bousquet, Gomez, McNear and Danny Christoffers - Acting Secretary, Joan Spencer – Administrative Assistant to the Board, and Kim Watson – County Attorney.

Absent: Rohde

The agenda for said 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 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 September 7, 2010
- Open motor grader bids & award bid.
- Chad Kehrt to present the Annual Road Report. Board to approve same.
- Amber Hupe-Monney – Victims Assistance Program Director.
  - Present Program information, statistics and budget.
  - Approve budget, if necessary.
- Miscellaneous Agenda Items
  - Approve Payroll Claims.
  - Approve Accounts Payable Claims.
  - Road Department Hiring Policy.
  - Office Inventories – Discuss and approve them if the Property Committee has checked them.
  - Board to authorize county official/employee to sell surplus personal property at Surplus Sale on September 23, 2010. Board to declare such surplus personal property as obsolete and not usable by the County.
  - Bridge Signage – Discuss and approve the setback of weight limit signage on bridges before the last intersection before a bridge so overweight vehicles can turn off prior to coming upon the bridge itself.
- Tabled Items: No Tabled items
- Commissioner's Committee Reports
- Commissioner's Member Reports
- Public Comment
- Mail and/or Emergency Business
- Adjournment

Commissioner Gomez moved, seconded by Commissioner McNear to excuse Commissioner Bousquet for his absence.

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

Commissioner Gomez moved, seconded by Commissioner McNear to approve the minutes of September 7, 2010 as typed and prepared for the Official Record.

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

Fred Kellogg appeared before the board and opened the Grader Bids. There were three.

Bidder: Titan Machinery

Case 865 VHP – Cummins QSB 5.9

Net Bid (w/o Trade in): \$ 220,940

Less Trade In: \$ 41,075

Net Bid (delivered with trade in): \$ 179,865

Bidder: Murphy Tractor and Equipment

John Deere 770G

Net Bid (w/o Trade in): \$ 224,465

Less Trade In: \$ 70,408

Net Bid (delivered with trade in): \$ 154,057

Bidder: Ziegler CAT

CAT 140M – CAT C7

Net Bid (w/o Trade in): \$ 361,573

Less Discount: \$ 125,160  
Less Trade In: \$ 38,000  
Net Bid (delivered with trade in): \$ 198,413

The Commissioners asked questions regarding horsepower on the Graders.

Commissioner Bousquet moved, seconded by Commissioner Gomez to turn the bids over to the Road Committee and to authorize the Road Committee to make a decision on which to purchase.

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

Chad Kehrt appeared before the board and presented the Annual Road Report.

Commissioner Bousquet moved, seconded by Commissioner Gomez to accept and approve the 2009/2010 Dakota County Annual Road Report as it was submitted.

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

Amber Hupe-Monney, Victims Assistance Program Director appeared before the Board and gave a packet to the Board with various statistics and information along with the budget. She said there is no decline or increase in the budget and has been funded through a grant for another year. It was not necessary for the Dakota County Board of Commissioners to approve her budget.

Chair McLarty called for the agenda item: "Approve Payroll Claims."

Commissioner McNear moved, seconded by Commissioner Gomez to approve the payroll claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$140,238.00, General Fund Employees Net Pay- \$99,948.43, Employer deductions paid: Retirement- 9,756.13, FICA- 8,526.37, Medicare- 1,994.05, DC Health Plan- 27,900.00, DC Dental Plan- 1,009.98 and Life Insurance- 200.85, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 544.00, Bobbi Jo Harsma- 1087.20, Theodore Piepho- 1634.45, Tracey Corkin- 1042.28, Marisol Curiel- 1095.20, Darlene Davis- 1062.64, Robert Giese- 1634.45, Ruth Gillaspie- 1452.12, Jolene Heinemann- 1137.36, Phyllis Ridge- 1068.62, Margaret Rahn- 1254.42, Daniel Christoffers- 605.20, Arnold Mellick- 216.26, Valerie Danielson- 1634.45, Lori Jessip- 909.60, Cheryl Perkins- 1177.05, Zachary Gerth- 1569.23, Debra Jensen- 1092.00, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1696.69, Duane Kotalik- 1541.92, Tammy Dunn-Peterson- 1086.38, Jeremy Bermel- 1740.76, Anthony Bos- 2189.14, Sandy Dickens- 603.84, Brian Ellinger- 2459.03, Michael Estes- 1472.42, Brent Gilster- 1984.04, Todd Hammer- 1988.20, Melvin Harrison III- 1912.08, Rodney Herron- 2351.11, Jason James- 1815.21, Kimberly Johnson- 615.72, Jared Junge- 1751.21, Penny Kleinberg- 1891.52, Michael Kreegar- 1927.50, Gayle Richards- 1117.78, Kevin Rohde- 1962.30, James Wagner- 1634.45, Randall Walsh- 1926.04, Bridget Fiedler- 864.00, Kerry Johnson- 954.06, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1373.10, Jacob Acero- 2070.74, Ermelinda Ballesteros- 1704.23, Mason Billings- 1120.63, Joshua Blatchford- 1334.92, Rebecca Broer- 1756.33, Sandy Dickens- 1017.19, Marjorie Donahue- 1635.26, Lisa Ford- 1506.17, Robert Foster- 1899.42, Ryan Foster- 1586.51, Linda Frost- 1049.58, Alma Gunderson- 2320.95, Amber Hamman- 1913.40, Paula Harrigfeld- 607.80, Cathy Harsma- 1463.17, Deanna Haukap- 1277.34, Jeffrey Heitzman- 1482.19, Adam Hough- 1510.67, Michael Jacobson- 1586.51, Brett Johnson- 1512.87, Nicholas Kellen- 1564.21, Brenda Kelly- 1302.32, Terry Kern- 1923.08, Keith Klein- 1426.85, James Kleinberg- 1534.94, Mark Nelson- 1753.25, Travis Olander- 1434.62, Kimberly Peterson- 1442.09, Doyle Pilgrim- 1059.48, Daniel Rodasky- 1357.72, Cody Roerber- 1617.46, Jutharatana Ruenprom- 1403.99, Timothy Ryan- 1177.39, Linda Schovanec- 1430.55, Francis Tope- 1428.80, Jewel Williams- 2000.25, Matthew Wise- 1453.52, Cara Wood- 1514.25, Jolene Gubbels- 1193.90, Leon Pies- 640.00, Pamela DeVries- 1923.34, Bonnie Kahler- 867.19, Shirley Voss- 1458.85, Willard Johnston- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- 12,794.19, State- 4,913.55, FICA- 8,526.37, Medicare- 1,994.05, Retirement- 6,600.72, Health Plan- 900.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 325.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac Health- 534.43, Aflac Life/Dsbl- 161.09 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$16,758.74, Road Employees Net Pay- \$11,800.19, Employer deductions paid: Retirement- 1,131.22, DC Health Plan- 3,600.00, DC Dental Plan- 130.32, Life Insurance- 24.30, FICA- 1015.69, and Medicare- 237.54, Principal Mutual Life Insurance-

Brent Byroad- 1541.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1926.84, Kimon Litras- 1352.40, Arnold Mellick- 1292.00, Dean Pallas- 1046.50, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,334.25, State- 545.67, FICA- 1,015.69, Medicare- 237.54, Retirement- 754.15, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 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: "Approve Accounts Payable Claims."

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

**GENERAL FUND:** Dakota County Star, publishing- 309.61; Perkins, supplies- 281.81; Sioux City Journal, publishing- 458.93; Staples, supplies- 31.98; AJ Phillips, supplies- 225.00; AS Central Service, data storage- 65.00; Charlotte Doenhoefer, prior yrs- 10.00; Duggan Forms, supplies- 684.60; Robert Giese, mileage- 114.00; Monroe Systems, supplies- 95.58; Nebraska Notary Association, notary fees- 104.19; Net Sys Plus, repair- 80.00; Redfield & Company, supplies- 447.00; Ruth Jensen, prior yrs- 12.00; Security Shredding, shredding- 70.00; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 1425.00; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging Systems, lease- 240.00; Dept of Revenue, qtrly billing- 20996.73; Capital One Visa, supplies- 240.51; Staples, supplies- 315.30; Theodore Piepho, phone/mileage- 44.00; Dakota County Star, publishing- 19.29; Arnie Mellick, phone- 30.00; Executive Tech, toner- 398.00; Perkins, supplies- 17.46; Dakota Business Systems, lease- 99.00; Microfilm Imaging, scanning- 100.50; Midwest Office Automation, contract- 384.37; Office Systems Company, contract- 574.00; Star Printing, envelopes- 236.00; William Binkard, postage/subscription- 129.08; Maribel Campos, witness fee- 27.00; Matthew Connealy, court appointed counsel- 3367.60; Joel Cruz, witness fee- 20.00; Dakota County Court, costs- 1820.38; Dave Gill, witness fee- 24.00; Shaun Gill, witness fee- 30.50; Randy Hisey, court appointed counsel- 198.00; Jennifer Huls, witness fee- 20.00; Dennis Hurley, court appointed counsel- 4650.00; Kueny & Begley, court appointed counsel- 438.00; Stuart Mills, court appointed counsel- 420.00; Douglas Roehrich, court appointed counsel- 336.00; Richard Thramer, court appointed counsel- 1005.52; Patrick Tott, court appointed counsel- 390.00; Dakota County Sheriff, papers/warrants- 1356.97; Dean & Associates, court commit- 300.00; District Court, claim list- 1794.00; MIPS, scanning package- 87.00; Woodbury County Sheriff, service- 66.68; Benstar Packaging, supplies- 264.81; Bomgaars, repair- 129.36; Bunkers Feed & Supply, salt- 58.70; Foulk Brothers Plumbing, service- 3136.32; Gill Hauling, service- 120.00; Menards, supplies- 506.52; Midamerican Energy, utilities- 1030.00; Nebr Public Power District, utilities- 3941.96; O'Keefe Elevator, maintenance- 177.13; Richard Jensen, mileage- 109.80; Robertson Implement, repair- 27.90; Share Corporation, supplies- 105.41; Trembly Pest Control, service- 50.00; Verizon, phone- 54.48; Wilmes Hardware Hank, repair- 97.19; Kerry Bligh, animal control- 225.00; City of South Sioux City, fuel/software- 4988.46; Crystal Oil, headlight- 12.99; Dakota Food & Fuel, fuel- 706.24; Fremont Tire, service/fuel/repairs- 1060.61; Rodney Herron, mileage- 96.00; Jacks Uniforms, supplies- 160.40; Jackson Glass, repair- 25.00; MPH Industries, cable- 71.25; RACOM, t1- 648.80; Verizon, phone- 280.00; Walmart, dog food- 21.98; Willis Animal Clinic, dog food/supplies- 133.33; Dept of Motor Vehicles, transcripts- 22.00; H2O4U, service- 5.00; Iowa Office Supply, contract- 77.13; New Perspectives, shredding- 86.25; Sarah Niles, meals- 11.76; Peter Parry, phone/meal- 29.62; Aimee Uhl, meal/mileage- 122.07; Verizon, phone- 81.19; Kim Watson, meals- 12.83; City of South Sioux City, lec cost share- 30617.96; Best Western, lodging- 114.23; BI Inc, electronic monitoring- 577.07; Caterina Chapman, mileage- 321.00; Redwood Toxicology, drug tests- 25.38; Verizon, phone- 89.25; Ateam Heating, service- 85.00; Ace Refrigeration, repairs- 265.50; Ameritech, repairs- 331.91; Amsan, supplies- 1703.96; Aramark, service- 60.04; Associated Fire Protection, inspection- 157.50; BI Inc, arrest- 323.95; Bob Barker, supplies- 1018.00; CBM Food Service, meals- 21950.22; Cardiovascular Associates, medical- 60.00; Cash-Wa, meals- 59.82; Clean Plus, gloves- 25.89; Dakota Business Systems, contract- 281.00; Dakota Family Dentistry, medical- 246.00; Dakota Food & Fuel, fuel- 405.97; Dept of Correctional Services, safekeepers/medical- 2744.32; Sandy Dickens, mileage- 98.00; Marjorie Donahue, mileage- 43.65; Gill Hauling, service- 120.00; Amber Hamman, mileage- 53.35; Hough Distributing, gloves- 90.00; Jacks Uniforms, supplies- 109.05; Jackson Glass, repair- 65.00; Janitor Depot, rags- 58.90; Mercy Business Health, medical- 3509.00; Mercy Medical Center, medical- 4032.30; Midamerican, utilities- 465.50; Midwest Office Automations, contract- 271.80; Moore Medical, supplies- 431.36; Nebraska Public Power District, utilities- 4566.25; Net Sys Plus, repair- 750.50; NW Iowa Emergency Phys, medical- 731.60; NW IA Yes Center, service- 1400.00; Prairie Surgical Associates, medical- 104.69; Sams Club, supplies- 119.88; Siouxland Federal Credit Union, fuel/medical/meal- 309.44; Siouxland Radiology Partners, medical- 46.00; Staples, supplies- 271.79; Trembly Pest Control, service- 35.00; TriTech, powerpack- 72.50; Verizon, phone- 237.29; Walmart, supplies/prescriptions- 4011.90; Woodbury County Juvenile Det, boarding- 900.00; Holiday Inn, lodging- 213.00; Fred Kellogg, meals- 60.26; Verizon, phone- 33.48; Central Community College, training- 105.00; Central Valley Ag, chemicals- 42.10; Dakota Business Systems, contract- 102.00; Heritage Express, fuel- 57.91; Hubbard Minimart, fuel- 289.00; Leon Pies, workshop/phone- 70.00; Pam Devries, mileage- 124.00; Kids Love Stickers, stickers- 71.17; Perkins, supplies- 63.77; Sanofi Pasteur, fluzone- 731.70; Roxanne Voss, mileage- 83.50; Dr Thomas Wenthe, physician fee- 250.00; Bill Johnston, mileage/phone/business cards- 265.65; Midwest Office Automations, toners/contract- 1000.00; Perkins, supplies- 41.15; Thomson West, service- 557.93; Cableone, internet- 169.96; CapitalOne, domain renew- 22.28; Fibercomm, phone- 1137.47; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; IBM Corp, contract- 72.86; Jared Junge, ymca membership- 19.50; Mailfinance, lease- 227.00; MIPS, support- 422.38; Norm Waitt Sr YMCA, memberships- 312.00; Region IV Mental Health, qtrly services- 7367.25; Romans Wiemer, audit- 100.00; Sioux Air Inc, spray backwaters- 1520.00; Madelyn Thorsland, prior yrs- 10.00; Three Rivers, admin fees- 75.00; US Postal Service, postage- 2500.00; Road Fund, budget transfer- 90000.00;

**ROAD FUND:** Ace Engine & Parts Dist, parts- 30.91; Advance Auto, parts/supplies- 202.14; Aramark, service- 355.85; AZ Inc, fuel- 231.00; Barkley Asphalt, asphalt- 184.22; Bierschbach, supplies- 27.50; Carquest, parts- 35.30; Dakota County Star, publishing- 34.73; Frame Aligners, parts/labor- 308.22; Fremont Tire, repair- 403.95; Gill Hauling, service- 55.00; Great Plains International, parts- 22.58; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 3700.60; H2O4U, service- 35.00; Icon Ag Solutions, parts/supplies- 30.50; J&J Pronto, fuel- 165.26; Joes Dept Store, parts/supplies- 274.85; Kinetic Leasing, loader/interest- 2458.00; LG Everist, gravel- 38854.69; Linweld, oxy- 120.54; Midwest Service & Sales, signs/blades- 5973.00; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts- 202.27; Nebr Culverts & Steel, pipe- 569.50; NAPA, supplies- 342.00; Nebr Public Power Dist, service- 27.44; Northeast Equipment, tractor rental- 900.00; NE Nebr Public Power Dist, utilities- 382.46; NE Nebr Telephone, phone- 194.09; Peterson Sand & Gravel, gravel- 32834.00; Poms, tires- 950.00;

Powerplan, parts- 1009.80; Rees Mack Sales, parts- 6064.04; Sapp Bros Petroleum, oil- 496.65; Siouxland Hydraulics, parts- 56.07; Steffen, products- 241.00; Torco Remfg, parts- 1003.75; Verizon, phone- 57.99; Warren Oil, diesel- 4828.40; Zieglers, parts/supplies- 177.25;

**HARD SURFACE:** Olsson Associates, engineering- 1837.79;

**VISITORS PROMOTION:** South Sioux City Chamber of Commerce, lodging tax- 12971.88;

**INSTITUTIONS:** Beatrice State Dev Center, qtrly payment- 552.00; Lincoln Regional Center, qtrly payment- 345.00;

**EECBG Grant:** Plan Architecture, administration- 1312.50

**VETERANS:** Veterans Officer, relief- 6000.00;

**HEALTH PLANNING GRANT:** Deanna Beckman, hours- 1200.00; Pam Devries, mileage- 188.00; Fremont RV Center, stool- 20.95; Pat Glover, hours- 190.00; Hitches Trailers, setup- 69.55; Stericycle, waste bags- 1019.52;

**PUBLIC SAFETY:** Jail Bond Fund, sales tax- 30063.81; City of South Sioux City, sales tax- 4099.61;

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

UNANIMOUS MOTION CARRIED.

Chair McLarty dropped Road Department Hiring Policy from the agenda.

Chair McLarty called for the agenda item: "Office Inventories"

Commissioner Gomez requested this item to be tabled until October 4<sup>th</sup>, due to Commissioner Rohde's absence.

This item was tabled until October 4th.

Commissioner Gomez moved, seconded by Commissioner Bousquet to authorize the sale of surplus equipment.

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

UNANIMOUS MOTION CARRIED.

Kim Watson, County Attorney advised the Board to also declare the items obsolete and not usable.

Commissioner Bousquet moved, seconded Commissioner McNear to declare the surplus equipment as obsolete and not usable by the County and authorize Joan Spencer, Administrative Assistant to the Board, to act as the County representative for this property.

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

UNANIMOUS MOTION CARRIED.

Fred Kellogg appeared before the board to discuss Bridge Signage. He found that 15 bridges were under 20 ton or less. Eleven of those are on minimum maintenance roads. He called the state to ask if there was any statute that would require any forewarning of bridge tonnage capability at the intersection prior to reaching the bridge. There was not. It would be about 70 dollars per sign.

He asked the Nebraska Department of Roads if they did one, would they have to do them all. They did not give an answer.

Commissioner Bousquet said that it was fine the way it currently is.

Chair McLarty called for Tabled Items, there were none

Chair McLarty called for Committee Reports, there were none.

Chair McLarty called for Member Reports.

Chair McLarty said that he asked for letters from the Millis Beach residents at the last meeting, but received none. He would send a letter to the legislators regardless.

In regards to FEMA funds, he contacted Senator Johanns staff and they are looking into the delay of FEMA funds.

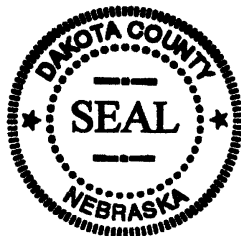
Chair McLarty called for Public Comment, there was none.

There was no emergency Business.

Commissioner Bousquet moved, seconded by Commissioner Gomez to adjourn.

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

UNANIMOUS MOTION CARRIED. 4:35 p.m.



Dakota 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 4, 2010  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City, NE 68731

Chair McLarty called the meeting to order at 4:15 p.m. Location of the Open Meetings Act was noted by Chair. Roll Call was taken.

Present: Commissioners McLarty, Rohde, McNear, Bousquet, Gomez and Joan Spencer, Acting Secretary. Absent: None

Kim Watson, County Attorney, also attended the meeting.

The agenda for the meeting was as follows:

This meeting was advertised to begin at 4:15 p.m.

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.

#### Call meeting to Order

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 September 20, 2010

Paul Kellen - Goodwill Industries applied for NEMA funding for the Goodwill Achievement Center building project. Dakota County was to help Goodwill Industries with an in-kind contribution of tree and tree stump removal as part of the county match. They would like to start removal and if they do, it will negate the grant. Goodwill Industries needs to move forward without the grant option and get the trees and grading starting before the winter weather approaches and they are asking Dakota County to help with the above mentioned tree removal and grading as an in-kind contribution for the Goodwill Industries Camp Achievement building project. The Board will discuss and will act on this issue.

#### Miscellaneous Agenda Items

- Approve Payroll Claims.
- Approve Accounts Payable Claims.
- Adopt a resolution and approve the execution of an agreement with the Nebraska Department of Roads regarding the National Bridge Inspection Standards Responsibilities..
- Siouxland Humane Society Agreements- Adopt Agreement with Siouxland Humane Society, Inc.
- Office inventories – Acknowledge all were filed by September 1 and approve same.
- Approve the Sale of Surplus items for the sale held on September 23, 2010, as provided for in a written report.
- Approve Officials Reports.
- October is Jail Tour month – The Board is expected to conduct a jail tour prior to the adjournment of this meeting, but reserves the right to reschedule it for the next meeting.

#### Commissioner's Committee Reports

#### Commissioner's Member Reports

#### Public Comment

#### Mail and/or Emergency Business

#### Adjournment

Commissioner Bousquet moved, seconded by Commissioner Gomez, to approve the minutes of September 20, 2010, as typed and prepared for the Official Record.

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

Paul Kellen, Goodwill Industries, addressed the Board concerning the status of his application for FEMA grant monies and the county's contribution of tree and tree stump removal. He stated that he wanted to get the Goodwill Achievement Center building started before November and that timeline could not be achieved if they waited for approval from FEMA on the grant application and that are going to proceed without grant monies. Mr Kellen is asking that Dakota County Board approve an in-kind contribution or donation to the camp by removing trees in the building site area. The total cost for the project is 2.3 million. The Board discussed what their involvement would be—if Rick Becker took the trees, they would remove the stumps and brush to an on-site area where they could be burned and buried.

Commissioner Bousquet moved, seconded by Commissioner Gomez, to proceed with Goodwill Industries ground preparation work per Fred Kellogg's schedule.

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

Commissioner Gomez moved, seconded by Commissioner McNear, to approve the Payroll Claims filed with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$142,255.32, General Fund Employees Net Pay- \$106,715.23, Employer deductions paid: Retirement- 10,265.51, FICA- 9,041.12, Medicare- 2,114.49,

DC Health Plan- 31,800.00, DC Dental Plan- 1,151.16 and Life Insurance- 227.35, Principal Mutual Life Insurance- 1,233.10.

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 589.48, Bobbi Jo Harsma- 2,161.35, Theodore Piepho- 1634.45, Tracey Corkin- 978.40, Marisol Curiel- 939.42, Darlene Davis- 953.60, Robert Giese- 1634.45, Ruth Gillaspie- 1,266.78, Jolene Heinemann- 1,020.80, Phyllis Ridge- 987.54, Cherie Conley- 470.00, Margaret Rahn- 1254.42, Daniel Christoffers- 655.18, Stacy Dahlman- 315.00. Shirley Uhl- 482.50, Arnold Mellick- 253.17, Valerie Danielson- 1634.45, Lori Jessip- 909.60, Cheryl Perkins- 1177.05, Zachary Gerth- 1824.22, Debra Jensen- 1268.80, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1480.09, Duane Kotalik- 1396.98, Tammy Dunn-Peterson- 935.20, Jeremy Bermel- 1709.39, Anthony Bos- 1909.51, Sandy Dickens- 487.04, Brian Ellinger- 2604.35, Michael Estes- 1490.16, Brent Gilster- 2169.08, Todd Hammer- 1760.35, Melvin Harrison III- 1768.16, Rodney Herron- 1922.47, Jason James- 1993.94, Kimberly Johnson- 483.29, Jared Junge- 1672.80, Penny Kleinberg- 1680.78, Michael Kreegar- 1716.76, Gary Powell- 192.00, Gayle Richards- 914.00, Kevin Rohde- 1863.92, James Wagner- 1634.45, Randall Walsh- 2199.65, Bridget Fiedler- 864.00, Kerry Johnson- 949.60, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 1107.20, Kimberly Watson- 2644.39, Caterina Chapman- 1230.22, Jacob Acero- 1537.34, Ermelinda Ballesteros- 1533.77, Mason Billings- 1134.38, Joshua Blatchford- 1363.32, Rebecca Broer- 1863.78, Sandy Dickens- 867.54, Marjorie Donahue- 1366.38, Lisa Ford- 1411.38, Robert Foster- 1338.79, Ryan Foster- 1155.03, Linda Frost- 856.80, Alma Gunderson- 1273.74, Amber Hamman- 1484.82, Paula Harrigfeld- 502.44, Cathy Harsma- 1334.96, Deanna Haukap- 1424.90, Jeffrey Heitzman- 1307.89, Adam Hough- 1335.41, Michael Jacobson- 1144.69, Brett Johnson- 1330.49, Nicholas Kellen- 1375.49, Brenda Kelly- 1408.46, Terry Kern- 1923.06, Keith Klein- 1261.11, James Kleinberg- 1134.38, Mark Nelson- 1433.65, Travis Olander- 1285.11, Kimberly Peterson- 1245.87, Doyle Pilgrim- 944.48, Daniel Rodasky- 1254.05, Cody Roeber- 1130.94, Jutharatana Ruenprom- 1558.28, Timothy Ryan- 1179.07, Linda Schovanec- 1358.40, Francis Tope- 1318.12, Jewel Williams- 1268.73, Matthew Wise- 1312.55, Cara Wood- 1423.47, Jolene Gubbels- 1049.60, Leon Pies- 640.00, Pamela DeVries- 1677.82, Bonnie Kahler- 752.70, Shirley Voss- 1440.68, Willard Johnston- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- 11290.81, State- 4,474.13, FICA- 8,046.25, Medicare- 1,881.83, Retirement- 6,198.33, Health Plan- 700.00, DC Dental Plan- 525.00, Colonial Health- 16.20, Sheriff Union Dues- 325.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac Health- 534.43, Aflac Life/Dsbl- 161.09 and Flex Plan Medical- 511.38, Flex Plan Dependant Care- 229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$16,422.74, Road Employees Net Pay- \$11,573.02, Employer deductions paid: Retirement- 1,108.54, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 994.87, and Medicare- 232.66, Principal Mutual Life Insurance- 221.03. Brent Byroad- 1394.150, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1926.84, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Dean Pallas- 1151.15, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,286.13, State- 525.80, FICA- 994.87, Medicare- 232.66, Retirement- 739.02, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 60.00 and Union Dues- 140.00.

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

Mr. Arnie Mellick addressed the board regarding the resolution and agreement with Nebraska Department of Roads on national bridge inspection standards responsibilities. He stated that the state is asking the counties to load rate the bridges in accordance with National Bridge Inspection Standards guidelines. The bridges in the county are currently all load rated and a new load rating would not be required unless there is a problem with the bridge or a new bridge is built. An engineer will need to be hired if a bridge requires a new load rating. The Nebraska Department of Roads will arrange for the inspection and load rating of all fracture critical bridges.

Commissioner Rhode moved, seconded by Commissioner Bousquet, to adopt to adopt Resolution 10C-020 ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES, as follows:

RESOLUTION NUMBER 10C-020

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES

Be it resolved by the County Board and Chairperson, Dakota County, Nebraska, that:

1. The County shall enter into an Agreement with the Nebraska Department of Roads for the purpose of defining responsibilities in meeting the National Bridge Inspection Standards.
2. The Chairperson for the County Board is hereby authorized and directed to execute said agreement on behalf of Dakota County, and the County Clerk is authorized to attest said execution.
3. This resolution will be marked Exhibit "A" and a copy attached to each original agreement.

PASSED AND APPROVED THIS 4<sup>TH</sup> DAY OF OCTOBER, 2010.

\_\_\_\_\_  
Chairperson, County Board

ATTEST:

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

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

Commissioner Bousquet moved, seconded by Commissioner McNear, to continue the agreement with the Siouxland Humane Society for animal control.

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

This Agreement effective the 1<sup>st</sup> day of January, 2011, is entered into by and between the SIOUXLAND HUMANE SOCIETY, INC. (hereinafter "SHS", and the COUNTY OF DAKOTA, state of NEBRASKA (hereinafter "County").

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

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

County

WHEREAS, the County wishes to use the services and facilities of SHS, from time to time, to assist the Municipality in the humane treatment of animals coming into Municipality's possession as a result of Municipality's enforcement of its ordinances and state laws;

IT IS THEREFORE AGREED as follows:

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

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

3. Fees for Services: SHS shall be paid the following fees for its services:

a. For each animal brought to the shelter, an incoming fee of \$10.00.

b. For housing each animal, \$9.00 per day, for a maximum period of 4 days. (In accordance with SHS policy, each animal will be held for a minimum of three (3) days for a minimum housing fee of \$27.00).

4. Responsibility for Fees.

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

b. In the event the rightful owners do not retrieve the animal within ~ days, the Municipality shall be responsible for such fees upon submission of an itemized statement from SHS. Fees are due within thirty (30) days of billing.

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

6. SHS Not An Enforcement Agency. SHS has no obligation or responsibility for enforcement of Municipality's ordinances. Neither the services provided by SHS, fees therefore, nor return of an animal by SHS to its proper owner shall be contingent upon Municipality's collection of fines from pet owners.

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

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

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

10. Term of Agreement. This agreement shall remain in force until properly terminated by either party. Termination shall be effected by either party giving written notice to the other at least thirty (30) days



prior to the date of termination. For the purpose of giving notice, the addresses of the parties stated below are sufficient until such time as a party notifies the other of a change in address.

11. Entire Agreement. This Agreement constitutes the entire agreement among the parties and supersedes any prior understanding, agreements, or representations by or among the parties, written or oral, to the extent they are related in any way to the subject matter hereof. No amendment Many provision of this Agreement shall be valid unless the same shall be in writing and signed by the party against whom enforcement is sought.

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

Commissioner Rohde noted that the office inventories were reviewed and that all inventories were filed by the deadline required. Commissioner Rohde moved, seconded by Commissioner Gomez, to approve the Office Inventories as submitted.

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

Commissioner Bousquet moved, seconded by Commissioner McNear, to approve the written report of surplus items sold, to whom and money received.

Dakota County Surplus Sale - Board Report			23-Sep-10	
Item Sold	Name	Address	Amt. Pd.	Fund
Gateway flatscreen monitor	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
Gateway flatscreen monitor	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
Envision flat screen monitor	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
Envision flat screen monitor	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
Soya flat screen 22" monitor	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
Dell main frame w/ keyboard	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 10.00	General
Dell main frame w/ keyboard	Lupe Kennedy	701 E 12th Street, SSC 68776	\$ 10.25	General
4 black plastic stackable trays	Joan Frenzel	418 S 21st Street, SSC 68776	\$ 0.50	General
Webramp 200i	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
plastic crate	Joan Frenzel	428 S 21st Street, SSC 68776	\$ 0.50	General
Sentry 1380 Safe	Bill Johnston	PO Box 336, Dakota City NE 68731	\$ 6.00	General
Galaxy Fan	Joan Spencer	PO Box 129, Hubbard NE 68741	\$ 1.00	General
1993 International straight truck (bare frame)	Garvin's Salvage	559 Old Hwy 20 W., SSC 68776	\$175.00	Road
2006 Ford Crown Vic	Garvin's Salvage	559 Old Hwy 20 W., SSC 68776	\$550.00	General
large bookcase	Dick Erickson	PO Box 841, Dakota City NE 68731	\$ 5.00	General
large wood podium	Joan Frenzel	428 S 21st Street, SSC 68776	\$ 1.00	General
Trogon 5033 laptop	Joan Frenzel	428 S 21st Street, SSC 68776	\$ 1.00	General
HP Officejet 6210 copy-scan-fax-print	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 5.00	General
Gateway 2000 Vivitron monitor	Brad Johnson	1543 Knox Blvd., Jackson NE 68743	\$ 1.00	General
answering machine w/ cordless phones	Fred Kellogg	PO Box 121, Emerson NE 68733	\$ 0.50	Road
Clock	Joan Spencer	PO Box 129, Hubbard NE 68741	\$ 1.00	General
IBM Selectric II typewriter	Office Systems	308 Iowa St. Sioux City, Iowa	\$ 0.50	Road
	<b>TOTAL</b>		<b>\$774.25</b>	
	GENERAL FUND	\$598.25		
	ROAD FUND	\$176.00		
	Total	<b>\$774.25</b>		

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

No Officials Reports were available for approval.

Chair McLarty stated that the October Jail Tour will be conducted at the October 18<sup>th</sup> meeting.

Commissioner's Committee Reports. Commissioner Rohde informed the board that the Road Committee went with the motor grader bid from Murphy Tractor for the John Deere. Commissioner gave a Safety Committee report.

Commissioner's Member Reports – none

Chair McLarty informed the board that this Wednesday will be County Government Day and asked if a commissioner would be available to talk with the students about the office of County Commissioner. Commissioner Gomez said he would be available to do that.

Public Comment. Dennis Reinert asked what the status of the GPS units on the county vehicles was. Commissioner Bousquet stated they were on order and hoped to have them installed yet in October.

Commissioner Bousquet moved, seconded by Commissioner McNear to adjourn their meeting of October 4, 2010 at 4:40 p.m.  
ROLL CALL VOTE: McNear- Yea, Gomez- Yea, McLarty- Yea, Bousquet- yea, Rohde- yea.  
UNANIMOUS MOTION CARRIED.



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, October 18, 2010  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City, NE 68731

Chair McLarty called the meeting to order at 4:12 p.m. with the Pledge of Allegiance. Location of the Open Meetings Act was noted by Chair to all in attendance. Roll Call was taken.

Present: Commissioners McLarty, Rohde, Bousquet and Gomez. Joan Spencer, Board Administrative Assistant as Acting Secretary and Kim Watson, County Attorney were also in attendance.

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 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 October 4, 2010

Close the South 125' on the south end of Erie Drive in Crystal Beach.

Tom Bousquet – Discuss Heating and A/C work done in connection with the Energy Grant.

Board to approve setting temperatures throughout courthouse

Board to define the parameters for proposing refunding of the Correctional Facility Bonds.

Miscellaneous Agenda Items

- Approve Payroll Claims
- Approve Accounts Payable Claims
- A resolution authorizing a Lease Purchase with NACO for the purchase of a motor grader.
- Chair to appoint a committee to determine whether work rules are needed for GPS Equipment.
  - Also to decide whether any Road Employees should be exempt from having GPS units installed in the County's Vehicles that they drive or operate.
- Veteran's Quarterly Report
- Official's Reports
- Board to approve location and time of the November 1, 2010 meeting.
- Jail Tour

Commissioner's Committee Reports

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

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

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

Commissioner Rohde moved, seconded by Commissioner Gomez, to approve the minutes of October 4, 2010, as typed and prepared for the Official Record.

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

Commissioner Bousquet moved, seconded by Rohde, to have Fred Kellogg, Road Director, proceed with the closure of the south 125' of Erie Drive.

Mr. Kellogg stated that Pat Engel will need to file a petition for the county to proceed with the abandonment of the south 125' of Erie Drive. Susan Church asked the Board to look into making a decision on all the roads in Crystal Beach since the existing roads are not platted and the plat does not show the existing roads. The Board thought that would require a costly survey.

ROLL CALL VOTE: Gomez- Yea, McLarty- yea, Bousquet- yea, Rhode- yea, McNear- absent.  
UNANIMOUS MOTION CARRIED.

Tom Bousquet addressed the Board regarding the status of the new heating and cooling system upgrades that were installed. He stated that five of the six are currently running and G&R Controls is finishing their work this week. He explained the zones and dampers of the new system. When G&R completes their work, the sixth unit will also be up and running. Mr. Bousquet asked the Board to set parameters for uniform temperature settings in the courthouse such as 74 degrees for cooling and 70 degrees for heating. It was the consensus of the Board to use those temperatures and address changing them at a later date if need be.

Chair McLarty asked the Board if they wished to bid out the refunding of the Correctional Facility sales tax bonds. Commissioner Rohde thought it would be beneficial for the county to bid it out. Commissioner Bousquet moved, seconded by Commissioner Rohde, to accept proposals from Ameritas and Smith-Hayes and set the following parameters:

**County Pays Interest due at Settlement:** Correctional Facility Bonds (Sales Tax  
Payment Source), Series 2005 interest due 12/16/2010 = \$47,505.21

**Refund all outstanding Bonds:** Correctional Facility Bonds (Sales Tax Payment  
Source), Series 2005

remaining principal = \$2,650,000

**Par amount of the new bonds:** \$2,650,000, plus such amount (in \$5,000  
increments) necessary to cover issuance costs of Underwriter's discount, bond counsel, and paying  
agent's fee. CUSIP and printing are costs to the underwriter.

**Refunding Interest Payment:** Interest 2 times per year on 1/1 and 7/1 Starting  
7/1/2011 and ending 7/1/2015

**Refunding Principal Payment:** Principal 1 time per year on 7/1 starting  
7/1/2011 and ending 7/1/2015

**Registrar and Paying Agent Set up fee:** \$500 (quote per Freemont National) – paid from  
proceeds of the Refunding Bonds

**Bond Counsel Fee (Baird Holm):** \$13,000 (quote per Baird Holm) – paid from  
proceeds of the Refunding Bonds

**Maturity schedule:** To be substantially the same as the existing  
principal schedule, with allowance for scheduling additional bonds issued for costs in years 1 and 2.

**Security:** Sales Tax Only – free up the County 23-120  
pledge on the old Bonds to allow for possible future 23-120 Bond issuance by the County

**Call Provision:** Three Year Call

**Interest Rates:** Bid On

**Underwriters Discount:** Bid On – paid from proceeds of the Refunding  
Bonds

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

Commissioner Gomez moved, seconded by Commissioner Rhode, to approve the Payroll Claims filed  
with the County Clerk and submitted by him for payment as follows:

COUNTY GENERAL FUND: Gross salaries- \$125,939.08, General Fund Employees Net Pay-  
\$90,773.98, Employer deductions paid: Retirement- \$9756.13, FICA- \$7652.19, Medicare- \$1,789.71,  
DC Health Plan- \$28,200.00, DC Dental Plan- \$1,020.84 and Life Insurance- \$203.10, Principal Mutual  
Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02,  
William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 584.00, Mary C. Wiltgen- 470.00,  
Theodore Piepho- 1634.45, Tracey Corkin- 834.70, Marisol Curiel- 982.40, Darlene Davis- 953.60,  
Robert Giese- 1634.45, Ruth Gillaspie- 1266.78, Jolene Heinemann- 1020.80, Phyllis Ridge- 987.54,  
Cherie Conley- 963.50, Margaret Rahn- 1254.42, Daniel Christoffers- 775.63, Stacy Dahlman- 185.00,  
Shirley Uhl- 455.00, Arnold Mellick- 221.67, Valerie Danielson- 1634.45, Lori Jessip- 909.60, Cheryl  
Perkins- 1177.05, Zachary Gerth- 1608.46, Debra Jensen- 1119.20, John Loos, Jr.- 2044.28,  
Guadalupe Kennedy- 991.20, Richard Jensen- 1480.09, Duane Kotalik- 1384.00, Tammy Dunn-  
Peterson- 1005.36, Jeremy Bermel- 1991.72, Anthony Bos- 2111.46, Sandy Dickens- 487.04, Brian  
Ellinger- 1950.41, Michael Estes- 1432.51, Brent Gilster- 1973.76, Todd Hammer- 1718.93, Melvin  
Harrison III- 1891.52, Rodney Herron- 1922.47, Jason James- 1514.21, Kimberly Johnson- 408.29,  
Jared Junge- 554.12, Penny Kleinberg- 1737.32, Michael Kreegar- 1675.64, Gary Powell- 24.00, Gayle  
Richards- 914.40, Kevin Rohde- 1905.34, James Wagner- 1634.45, Randall Walsh- 1888.49, Bridget  
Fiedler- 936.00, Kerry Johnson- 949.60, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt-  
2450.42, Aimee Uhl- 996.48, Kimberly Watson- 2644.39, Caterina Chapman- 1230.22, Jacob Acero-  
769.62, Ermelinda Ballesteros- 1478.98, Mason Billings- 1020.94, Joshua Blatchford- 1355.21,  
Rebecca Broer- 1547.07, Sandy Dickens- 842.81, Marjorie Donahue- 1379.13, Lisa Ford- 1371.06,  
Robert Foster- 1330.73, Ryan Foster- 1130.94, Linda Frost- 856.80, Alma Gunderson- 1326.81, Amber  
Hamman- 1412.00, Paula Harrigfeld- 0, Cathy Harsma- 1347.17, Deanna Haukap- 1265.70, Jeffrey  
Heitzman- 1352.85, Adam Hough- 1207.77, Michael Jacobson- 1254.71, Brett Johnson- 1322.48,  
Nicholas Kellen- 1205.08, Brenda Kelly- 1339.06, Terry Kern- 1923.08, Keith Klein- 1257.30, James  
Kleinberg- 1225.49, Mark Nelson- 1433.65, Travis Olander- 1304.52, Kimberly Peterson- 1253.49,  
Doyle Pilgrim- 1028.00, Daniel Rodasky- 1388.02, Cody Roeber- 1134.38, Jutharatana Ruenprom-  
1588.77, Timothy Ryan- 1113.75, Linda Schovanec- 1358.40, Francis Tope- 1242.40, Jewel Williams-  
1264.92, Matthew Wise- 1322.07, Cara Wood- 1373.07, Jolene Gubbels- 1049.60, Leon Pies- 640.00,  
Pamela DeVries- 1677.82, Bonnie Kahler- 770.07, Shirley Voss- 1290.99, Willard Johnston- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- 10,422.57, State- 4,142.47, FICA- 7,652.19,  
Medicare- 1,789.71, Retirement- 5,897.47, Health Plan- 700.00, DC Dental Plan- 525.00, Colonial  
Health- 16.20, Sheriff Union Dues- 325.00, Deferred Comp- 607.00, Garnishments- 1,651.26, Aflac  
Health- 534.43, Aflac Life/Dsbl- 161.09 and Flex Plan Medical- 511.38, Flex Plan Dependant Care-  
229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$16,309.84, Road Employees Net Pay- \$11,496.83, Employer deductions paid: Retirement- 1,100.92, DC Health Plan- 3,900.00, DC Dental Plan- 141.18, Life Insurance- 26.55, FICA- 987.87, and Medicare- 231.03, Principal Mutual Life Insurance-

Brent Byroad- 1356.00, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1697.44, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Dean Pallas- 1076.40, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- 1,269.95, State- 518.97, FICA- 987.87, Medicare- 231.03, Retirement- 733.94, DC Health Plan-, DC Dental Plan- 126.00, Reassure America Life- 4.88, Deferred Comp.- 61.68, Garnishments- 448.55, Aflac Health- 190.41, Aflac Life/Dsbl- 39.73, Flex Plan Medical- 60.00 and Union Dues- 140.00.

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

Chair McLarty called attention to the accounts payable claim in the amount of \$5,000 for a contribution to the Northeast Community College of Nursing as being part of claims for approval from the Inheritance Tax Fund.

Commissioner Rhode moved, seconded by Commissioner Bousquet, to approve the following accounts payable claims including the contribution claim to College of Nursing as presented:

**GENERAL FUND:** Dakota County Star, publishing- 653.41; Perkins, supplies- 27.92; Joan Spencer, reimburse- 17.00; Bear graphics, supplies- 126.10; Dakota County Star, publishing- 78.00; Midwest Office Automation, contract- 139.00; Des Moines Stamp, stamper- 60.00; Perkins, supplies- 205.07; Staples, supplies- 74.24; AS Central Service, data storage- 65.00; Des Moines Stamp, supplies- 95.80; Charlotte Doenhoefer, prior yrs- 10.00; Executive Tech, repair- 123.00; Robert Giese, mileage- 120.00; Ruth Jensen, prior yrs- 12.00; Security Shredding, service- 17.50; Mardell Sorensen, prior yrs- 26.00; Staples, supplies- 35.98; Irene Van Lent, prior yrs- 16.00; Microfilm Imaging, lease- 240.00; Baudville, paper- 58.40; Baytech Label, stickers- 18.49; Daniel Christoffers, mileage- 83.50; Dakota County Star, publishing- 994.50; Election Systems & Software, service/ballots- 3097.64; Theodore Piepho, phone/mileage- 36.56; Dakota Business Systems, copier rental- 102.00; Dakota County Star, publishing- 21.22; Deb Green, mileage/meeting- 49.00; Jolene Gubbels, meeting- 15.00; Jim Jepsen, mileage/meeting- 16.00; Tom Lynch, mileage/meeting- 19.00; Arnie Mellick, phone- 30.00; Marlan Millard, mileage/meeting- 18.50; Donald Miller, mileage/meeting- 23.50; Harold Moes, mileage/meeting- 22.00; Joe O'Neill, mileage/meeting- 18.50; Martin Rohde, mileage/meeting- 23.00; Iowa Nebraska State bank, check order- 50.25; Perkins, supplies- 328.74; Karilyn Watkins, labor- 200.00; AS Central Service, supplies- 173.82; Dakota Business Systems, lease- 99.00; Dakota County Court, check order- 102.50; Des Moines Stamp, stamps- 154.50; Paula Jensen, supplies- 23.65; Microfilm Imaging Systems, scanning- 100.50; Kurt Rager, reimburse- 3.63; William Binkard, postage/supplies- 261.31; Cartridge World, toner- 129.98; Frank Gonzalez, interpret- 250.00; John Loos Jr, reimburse- 400.00; Perkins, supplies- 187.58; Deborah Andersen, witness fee- 22.50; Dakota County Court, costs- 1666.70; Deanna Graham, witness fee- 54.00; Randy Hisey, court appointed counsel- 1284.00; Kueny & Begley, court appointed counsel- 30.00; Stuart Mills, court appointed counsel- 2700.00; Emma Pickering, witness fee- 20.00; Lonnie Pickering, witness fee- 30.00; Douglas Roehrich, court appointed counsel- 474.00; Stratton DeLay Doele, court appointed counsel- 1122.34; Richard Thramer, court appointed counsel- 547.76; Patrick Tott, court appointed counsel- 732.00; Cindy Weber-Blair, court appointed counsel- 570.00; David Yarte, witness fee- 28.00; Dakota County Sheriff, papers/warrants- 715.47; Valerie Danielson, mileage- 75.00; District Court, claims- 932.00; Randy Hisey, court appointed counsel- 1717.50; MIPS, scanning- 87.00; Douglas Roehrich, court appointed counsel- 585.00; Michael Schmiedt, court appointed counsel- 345.00; Security Shredding, service- 35.00; Richard Thramer, court appointed counsel- 247.63; Cindy Weber-Blair, court appointed counsel- 60.00; Bomgaars, supplies- 162.19; Bunkers Feed & Supply, salt- 65.42; Circle S South, supplies- 59.47; City of Dakota City, utilities- 678.76; Gill Hauling, service- 120.00; Janitor Depot, supplies- 69.90; Joes Dept Store, supplies- 80.42; Menards, supplies- 551.41; MidAmerican Energy, utilities- 1030.00; Nebr Public Power Dist, utilities- 2728.06; Richard Jensen, mileage- 68.35; Sam's Club, supplies- 201.55; Share Corporation, supplies- 105.47; Siouxland Lock & Key, supplies- 127.00; Trembly Pest Control, service- 50.00; Verizon, phone- 52.43; Wilmes Hardware Hank, supplies- 110.12; PMNRD, rent- 833.33; UNL Extension, reimburse- 1104.13; Alpha Land Surveying, service- 1000.00; Kerry Bligh, animal control- 400.00; Bort Auto Body, deductible- 250.00; City of South Sioux City, fuel/phone- 3736.92; Dakota County Sheriff, stamps/supplies- 65.05; Dakota County Treasurer, title/registration- 4100; Dakota Food & Fuel, fuel- 279.31; Fremont Tire, service/repair- 717.67; Jacks Uniforms Equip, supplies- 50.45; RACOM Corp, t1- 648.80; Sioux City Ford, service- 388.38; Stanard & Associates, tests- 441.41; Staples, toner- 321.46; Torco-Remfg, battery- 137.95; Verizon, phone- 282.80; Wal-Mart, dog food- 21.98; Cartridge World, ink- 147.94; Dakota County Treasurer, towing- 150.00; Des Moines Stamp, stamps- 31.70; Iowa Office Supply, contract- 92.76; Peter Parry, phone- 20.00; Quill, supplies- 85.00; Verizon, phone- 44.88; City of South Sioux City, lec cost/equipment- 31822.56; BI Inc, electric monitoring- 659.40; Redwood Technology, tests- 50.00; Verizon, phone- 89.19; Dodge County Clerk, dues- 12667.80; Ateam heating & cooling, repair- 1105.25; Ace Refrigeration, repair- 167.00; Amsan, supplies- 1924.29; Aramark, service- 60.66; BI Inc, electric monitoring- 303.60; Bob Barker, supplies- 342.50; CBM Food Service, meals- 22384.92; Cash-Wa Distributing, meals- 98.18; City of Dakota City, utilities- 936.75; Clean Plus, gloves- 200.98; Dakota Business Systems, contract- 281.00; Dakota County Sheriff, meal- 12.73; Dakota Family Dentistry, medical- 320.00; Dakota Food & Fuel, fuel- 670.66; Sandy Dickens, mileage- 99.00; Marjorie Donahue, mileage- 38.15; Fremont Tire, service/repair- 276.96; Gill Hauling, service- 120.00; Amber Hamman, mileage- 214.20; Hough Distributing, gloves- 481.68; Jacks Uniforms, supplies- 163.75; Kleen Solutions, supplies- 89.95; Lewis Electric Company, repair- 352.22; Liem Som Oei MD, medical- 600.83; Mercy Business Health, medical- 3753.00; Mercy Medical Center, medical- 447.61; MidAmerican Energy, utilities- 667.07; Midwest Office Automation, contract/repairs- 453.51; Moore Medical, medical supplies- 348.50; NE Nebr Juvenile Serv, boarding- 2362.50; NW Iowa Emergency Phys, medical- 557.00; NW IA Yes

Center, service- 2800.00; Nebr Public Power District, utilities- 3187.10; Net Sys Plus, computer repair- 120.00; Prairie Surgical Associates, medical- 1185.13; Radio Accounting Service, ad- 330.00; Red willow Co Sheriffs Dept, boarding- 70.00; St Luke's Health Resources, medical- 18.80; Sioux Sales Company, ammo- 495.00; Siouxland Radiology Partners, medical- 335.00; Siouxland Urology Assoc, medical- 63.69; Siouxland Federal Credit Union, fuel/meal/supplies- 337.73; Siouxland Mental Health Center, medical- 220.00; Speedy Rooter, repair- 363.00; Trembly Pest Control, service- 75.00; Verizon, phone- 195.80; Wal-Mart, supplies/prescriptions- 6297.61; Woodbury Co Juvenile Det, boarding- 1100.00; Staples, supplies- 146.73; Verizon, phone- 33.54; Dakota County Star, publishing- 107.25; Hubbard Minimart, fuel- 300.00; J & J Pronto, fuel- 70.00; Joes Dept Store, supplies- 144.16; Motor Parts Central, parts/oil- 47.84; Leon Pies, phone- 30.00; Sioux City Ford, repair- 652.09; Pam Devries, mileage- 111.00; Sanofi Pasteur, medical supplies- 5355.36; Roxanne Voss, reimburse/mileage- 131.50; Dr Thomas Wenthe, physician fee- 250.00; Bill Johnston, reimburse/mileage- 256.86; Perkins, supplies- 19.95; Thomson West, service- 664.43; CableOne, internet- 169.96; City of South Sioux City, economic development- 48138.32; Claritus, ink- 140.29; FiberComm, phone- 1144.90; F&M Bank, stop payment- 20.00; FSH Communications, payphone- 63.60; Lazette Gifford, website upkeep- 40.00; IBM Corp, maintenance agreement- 218.58; Jared Junge, membership- 19.50; Mailfinance, lease- 227.00; Mercy Business Health, coaching- 50.00; MIPS, support- 422.38; Norm Wait Sr YMCA, memberships- 332.50; Region IV Inc, services- 5320.25; Madelyn Thorsland, prior yrs- 10.00; Three Rivers Benefit, admin fee- 75.00; US Postal Service, postage- 2500.00; Road Fund, budget transfer- 60000.00; Road Improvement Fund, budget transfer- 3000.00;

**ROAD FUND:** Advance Auto, parts/supplies- 67.42; Aramark, service- 318.01; AZ Inc, fuel- 448.70; Barkley Asphalt, asphalt- 1981.28; Bomgaars, supplies- 55.92; Dakota County Star, publishing- 21.22; Frame Aligners, parts/labor- 398.16; Fremont Tire, repair- 17.00; Gill Hauling, service- 55.00; Walter Heinemann, prior yrs- 29.00; Hubbard Minimart, fuel- 2752.72; H2O4U, water- 8.50; New Sioux City Iron, supplies- 65.37; J&J Pronto, fuel- 204.25; Joes Dept Store, supplies- 107.53; Kimball Midwest, supplies- 152.77; Kinetic Leasing, payment/interest- 2458.00; LG Everist, gravel- 28642.84; Linweld, oxy- 89.50; Marx Distribution, chemicals- 1407.12; Marx Truck Trailer, parts- 40.20; Medical Enterprises, testing- 94.70; Midwest Service & Sales, signs- 2630.40; Marlan Millard, prior yrs- 15.00; Motor Parts Central, parts- 221.80; Murphy Tractor & Equip, backhoe- 43462.00; Nebr Public Power Dist, utilities- 27.44; Northeast Equip, tractor rental- 900.00; NE Nebr Public Power Dist, utilities- 216.09; Northeast Nebr Telephone, phone- 188.87; Peterson Sand & Gravel, gravel- 959.20; POMPS, tires- 1342.50; Powerplan, parts/supplies- 190.43; Rees Mack Sales, parts/labor- 6208.21; St Luke's Occupational Health, testing- 40.00; Straight-Line Striping, markings- 10331.25; Titan Access, parts- 336.07; Torco Remfg, parts- 165.00; TriState Comm, equipment/repair- 233.00; Verizon, phone- 41.93; Warren Oil, diesel- 7758.32; Ziegler's, supplies- 461.77;

**HARD SURFACE:** Gill Construction, paving- 197566.72; Olsson Associates, engineering- 4994.85;

**ROAD IMPROVEMENT:** Midwest Service & Sales, culvert- 3961.76; Arnie Mellick, inspections- 1911.00;

**POOR RELIEF:** Becker Hunt Funeral Home, burial- 850.00;

**STOP FUND:** CSI, evidence room- 12538.87;

**HEALTH PLANNING GRANT:** Deanna Beckman, hours- 1230.00;

**ECCBG ENERGY GRANT:** Ateam Heating & Cooling, equipment- 71578.00;

**INHERITANCE TAX:** NECC Foundation, contribution- 5000.00;

**PUBLIC SAFETY:** City of South Sioux City, sales tax- 3669.82; Jail Bond Fund, sales tax- 32232.04; Road Fund, mv tax- 725.46;

**WEED FUND:** General Fund, close fund- 137.08;

**E911:** City of South Sioux City, 911 monies- 15700.29;

**VISITORS PROMOTION:** South Sioux City Chamber, lodging tax- 12444.61;

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

Commissioner Rohde moved, seconded by Commissioner Gomez, to approve Resolution 20C-021 authorizing a lease purchase with NACO for the purchase of a motor grader.

THE COUNTY OF DAKOTA, NEBRASKA

RESOLUTION NO. 10C-021

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, Nebraska (the "County"), that this Board hereby approves and authorizes the acquisition of a motor grader by the County 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: \$157,128.00
2. Interest Rate: 2.10%
3. Payment Amount: \$15,202.58
4. Term: October 28, 2010 through May 1, 2016
5. Payment Frequency: semiannually, beginning May 1, 2011

Settlement and closing of the Lease-Purchase Agreement shall be on or about October 28, 2010. 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: October 18, 2010, at Dakota City, Dakota County, Nebraska.

BY THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DAKOTA, NEBRASKA  
/s/ Antonio A. Gomez  
/s/ Rick Bousquet  
/s/ William B. Rohde  
/s/ William I. McLarty  
Richard McNear – Absent

ROLL CALL VOTE: Gomez- yea, McLarty- yea, Bousquet- yea, Rhode- Yea, McNear- absent.  
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet informed the Board that he was approached by Jessie with Electronic Engineering for a list of parameters, such as idle time, abuse of GPS equipment, etc., for installing the GPS computer program data base for the Road Department. He also stated that he felt everyone should have a GPS unit installed on their vehicle and committee should be set up to establish the parameters. Chair McLarty appointed Commissioners Rhode and Bousquet to work with Fred Kellogg in setting work rules. Chair McLarty stated this committee would also determine if some vehicles would be exempt from GPS units being installed and said committee to report back at the next board meeting.

Commissioner Bousquet moved, seconded by Commissioner Gomez, to approve the 1<sup>st</sup> Quarter Veteran's Quarterly Report for July to September, 2010, and the Official Reports from the Register of Deeds office for August and September, 2010; County Clerk's office for August and September, Recording Account and quarter July to September, 2010, for interest earned on motor vehicle, accounts payable and payroll accounts; Sheriff's office for quarter July to September, 2010; Jail for quarter July to September, 2010; and Clerk of District Court for August and September, 2010.

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

Commissioner Gomez moved, seconded by Commissioner Bousquet, to hold the November 1, 2010, Dakota County Board of Commissioner's meeting at 8:00 a.m. in the County Board Meeting Room to accommodate the room being set up for use in the General Election.

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

Commissioner Committee Reports - Commissioner Gomez reported on the LEC meeting he attended. Chair McLarty stated he received a letter from FEMA regarding the Flood Plain and any action required will be addressed at the November 1<sup>st</sup> Board meeting.

Public Comment – none  
Mail and/or Emergency Business – none

Chair McLarty recessed the board meeting at 4:50 p.m. Vice-Chair Bousquet reconvened the board meeting at 4:57 p.m. Terry Kern conducted with Jail Tour with Commissioners Bousquet, Rohde and Gomez present.

Commissioner Rohde moved, seconded by Commissioner Gomez, to adjourn the meeting at 5:04 p.m. All ayes.

Dakota County Board of Commissioners

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

\_\_\_\_\_  
Joan Spencer, Acting Secretary

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



Dakota County Board of Commissioners  
Monday, November 1, 2010  
Dakota County Courthouse  
County Board Meeting Room  
Dakota City, NE 68731

Chair McLarty called the meeting to order at 8:00 a.m. with the Pledge of Allegiance. Location of the Open Meetings Act was noted by Chair to all in attendance. Roll Call was taken.

Present: Commissioners McLarty, Rohde, Bousquet and McNear. Joan Spencer, Board Administrative Assistant as Acting Secretary and Kim Watson, County Attorney were also in attendance.

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 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 October 18, 2010

Pat Foust – LEC Director

- Request approval from the Commission for an expenditure of more than \$5,000 for the repair/replacement of the driveway. A motion to approve an expenditure of more than \$5,000 for the repair/replacement of the LEC driveway.
- Update on the LEC expansion.
- Approval of Intergovernmental Agreement between the Nebraska Department of Environmental Quality and Dakota County regarding the implementation of the Storm Water Management Plan Program per award of \$14,547, and authorization of Chair's signature on said Agreement.
- Federal Emergency Management Agency (FEMA) has advertised as Public Notice their Proposed Base Flood Elevation determination for Dakota County.
  - Option for Board action to call further attention to the proposed BFE determinations and to the appeal procedure by using a press release or other public notice.
  - Option for Board to formally designate a contact person.
- Designate a person to vote for NACO Officers on behalf of Dakota County.

Miscellaneous Agenda Items

- Approve Payroll Claims and Accounts Payable Claims affiliated with payroll.

Tabled Items: No tabled claims

Commissioner's Committee Reports

- GPS Committee to report on applicable work rules and exempt equipment status.

Commissioner's Member Reports

Public Comment

Mail and/or Emergency Business

Adjournment

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

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 minutes of October 18, 2010, as typed and prepared for the Official Record.

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

Commissioner Bousquet moved, seconded by Commissioner Rohde, to approve the Intergovernmental Agreement between the Nebraska Department of Environmental Quality and Dakota County and authorize Chair to sign the agreement.

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**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 **\$ 14,547** and a nonfederal match of at least **\$ 2,909** 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:

**I.      TERM OF AGREEMENT**

This Agreement will go into effect **December 1, 2010** 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, 2012** unless extended by amendment.

**II.     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 from 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.

IA#: STW10003

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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 **\$ 14,547**.

**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.

**CONTINUED FROM PREVIOUS PAGE****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.

**CONTINUED FROM PREVIOUS PAGE****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. New Employee Work Eligibility Status**

The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

If the Contractor is an individual or sole proprietorship, the following applies:

1. Contractor must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at [www.das.state.ne.us](http://www.das.state.ne.us).
2. If the Contractor indicates on such attestation form that he or she is a qualified alien, the Contractor agrees to provide the US Citizenship and Immigration Services documentation required to verify the Contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) program.
3. The Contractor understands and agrees that lawful presence in the United States is required and the Contractor may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. §4-108

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**R. 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.

<u>NDEQ</u> Mary Schroer Source Water Coordinator/ Watershed Planning Specialist Planning Unit 402-471-6988	<u>Sponsor</u> 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

*Thomas R. Lamberson*

DATE: October 4, 2010

Dakota County

BY: William McLarty

TITLE: Commissioner

*William McLarty*

DATE: 11-1-2010

FEDERAL TAX ID NUMBER: 47-6006449

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ATTACHMENT A

**STORM WATER MANAGEMENT PLAN PROGRAM**  
**2010 WORKPLAN**  
 From Dakota County (Sponsor)  
 Regarding Implementation of the  
 Storm Water Management Plan for Permit NE0134007

CONTACT INFORMATION		
<b>PROJECT MANAGER NAME</b> Joan Spencer		<b>TITLE</b> Administrator 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</b> \$ 14,547	<b>MATCH REQUIRED</b> \$2,909	<b>PROJECT END DATE</b> 6-30-2012

ACTIVITY ELEMENTS & TIMELINE				
	Minimum Control Measure	Section/Subsection and Activity Element Description from Approved SWMP	Cost (percentage of grant)	Expected Completion Date
1	Public Participation	2.C Publications, website upgrades, podcasts, reports, etc. The Association will also be participating in the 4 <sup>th</sup> Annual Missouri River Relief Project in 2010. Requirements #2 items 3 & 4.	10%	6/30/12
2	Pollution Prevention/Good Housekeeping	6.B Inspection of the storm sewer conduits, channels and catch basins, remove and dispose of sediment and debris according to Appendix A, Requirement #6 B of the SWMP. Purchase of equipment for this purpose will be evaluated and shared by the Association. Construction of rain gardens in the jurisdiction is also planned for this grant period.	65%	6/30/12
3	Wet Weather Monitoring	Sampling according to Part IV: monitoring, record keeping, and reporting requirements of the NPDES Permit NE0134007	25%	6/30/12

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

Bousquet moved, seconded by McNear, to advertise as Public Notice the appeal process for the proposed Base Flood Elevation determination for Dakota County by the Federal Emergency Management Agency and to designate Arnie Mellick as the contact person.

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

Commissioner Rohde moved, seconded by Commissioner McNear, to approve the Payroll Claims filed with the County Clerk and submitted by him for payment per County Handbook and Union Contracts as follows:

COUNTY GENERAL FUND: Gross salaries- \$125,636.22, General Fund Employees Net Pay- \$90,331.09, Employer deductions paid: Retirement- \$8,689.80, FICA- \$7,650.24, Medicare- \$1,789.20, DC Health Plan- \$27,600.00, DC Dental Plan- \$999.12 and Life Insurance- \$198.55, Principal Mutual Life Insurance-

Richard Bousquet- 559.02, Antonio Gomez- 559.02, William McLarty- 582.10, Richard McNear- 559.02, William Rohde- 559.02, Joan Spencer- 1331.83, Daniel Christoffers- 660.65, Mary C. Wiltgen- 1041.38,

Theodore Piepho- 1634.45, Tracey Corkin- 587.04, Marisol Curiel- 982.40, Darlene Davis- 953.60, Robert Giese- 1634.45, Ruth Gillaspie- 1266.78, Jolene Heinemann- 1020.80, Phyllis Ridge- 928.68, Cherie Conley- 940.00, Margaret Rahn- 1254.42, Daniel Christoffers- 813.95, Stacy Dahlman- 125.00, Shirley Uhl- 560.00, Arnold Mellick- 221.67, Valerie Danielson- 1634.45, Lori Jessip- 909.61, Cheryl Perkins- 1177.05, Zachary Gerth- 1608.46, Debra Jensen- 1119.20, John Loos, Jr.- 2044.28, Guadalupe Kennedy- 991.20, Richard Jensen- 1480.09, Duane Kotalik- 1384.00, Tammy Dunn-Peterson- 935.20, Jeremy Bermel- 1777.35, Anthony Bos- 1656.80, Sandy Dickens- 487.04, Brian Ellinger- 1872.56, Michael Estes- 1419.20, Brent Gilster- 1685.92, Todd Hammer- 1770.71, Melvin Harrison III- 1644.80, Rodney Herron- 1922.47, Jason James- 2407.82, Kimberly Johnson- 408.51, Jared Junge- 501.84, Penny Kleinberg- 1665.36, Michael Kreegar- 1675.64, Gary Powell- 24.00, Gayle Richards- 914.40, Kevin Rohde- 1936.41, James Wagner- 1634.45, Randall Walsh- 1987.74, Bridget Fiedler- 864.00, Kerry Johnson- 937.74, Sara Niles- 1807.69, Peter Parry- 1653.85, Debra Schmiedt- 2450.42, Aimee Uhl- 996.48, Kimberly Watson- 2644.39, Caterina Chapman- 1230.22, Jacob Acero- 1844.04, Ermelinda Ballesteros- 1375.49, Mason Billings- 1020.94, Joshua Blatchford- 1334.92, Rebecca Broer- 1416.63, Sandy Dickens- 833.30, Marjorie Donahue- 1453.51, Lisa Ford- 1322.66, Robert Foster- 1326.69, Ryan Foster- 1170.47, Linda Frost- 856.80, Alma Gunderson- 1347.23, Amber Hamman- 1389.94, Paula Harrigfeld- 0, Cathy Harsma- 1422.47, Deanna Haukap- 1281.23, Jeffrey Heitzman- 1244.17, Adam Hough- 1352.55, Michael Jacobson- 1180.78, Brett Johnson- 1326.48, Nicholas Kellen- 1379.56, Brenda Kelly- 1334.98, Terry Kern- 1923.08, Keith Klein- 1257.30, James Kleinberg- 1158.44, Mark Nelson- 1433.65, Travis Olander- 1323.93, Kimberly Peterson- 1365.89, Doyle Pilgrim- 1072.98, Daniel Rodasky- 1281.23, Cody Roeber- 1134.38, Jutharatana Ruenprom- 1541.15, Timothy Ryan- 1151.56, Linda Schovanec- 1392.36, Francis Tope- 1242.40, Jewel Williams- 1276.35, Matthew Wise- 1257.30, Cara Wood- 1330.73, Jolene Gubbels- 1049.60, Leon Pies- 640.00, Pamela DeVries- 1677.82, Bonnie Kahler- 755.60, Shirley Voss- 0, Willard Johnston- 1050.00.

GENERAL FUND: Employee withholding paid to: Federal- \$10,397.23, State- \$4,163.74, FICA- \$7,650.24, Medicare- \$1,789.20, Retirement- \$5,878.43, Health Plan- \$450.00, DC Dental Plan- \$504.00, Colonial Health- \$16.20, Sheriff Union Dues- \$325.00, Deferred Comp- \$607.00, Garnishments- \$1,941.29, Aflac Health- \$534.40, Aflac Life/Dsbl- \$161.06 and Flex Plan Medical- \$511.38, Flex Plan Dependant Care- \$229.33.

COUNTY ROAD PAYROLL: Gross salaries- \$16,467.59, Road Employees Net Pay- \$11,603.24, Employer deductions paid: Retirement- \$1,111.57, DC Health Plan- \$3,900.00, DC Dental Plan- \$141.18, Life Insurance- \$26.55, FICA- \$997.65, and Medicare- \$233.31, Principal Mutual Life Insurance-

Brent Byroad- 1394.15, Robert Hacker- 1276.00, Ronald Harder- 1284.00, Hans Houfek- 1276.00, Robert Jacobsen- 1292.00, Fred Kellogg- 1697.44, Kimon Litras- 1288.00, Arnold Mellick- 1292.00, Dean Pallas- 1196.00, Willie Peters II- 1276.00, Leon Pies- 640.00, Kip Reinbold- 1276.00, James Swanson- 1280.00.

ROAD FUND: Employee withholding paid to: Federal- \$1,267.55, State- \$528.56, FICA- \$997.65, Medicare- \$233.31, Retirement- \$741.04, DC Health Plan-, DC Dental Plan- \$126.00, Reassure America Life- \$4.88, Deferred Comp.- \$61.68, Garnishments- \$448.55, Aflac Health- \$190.40, Aflac Life/Dsbl- \$39.73, Flex Plan Medical- \$60.00 and Union Dues- \$140.00.

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

Pat Foust was not in attendance. There was no update on the LEC expansion.

The Law Enforcement Center driveway repair was discussed. Chair McLarty said it was his understanding that the LEC was going to borrow money from the sales tax fund as a loan for this repair and that the South Sioux City Council has already given approval.

Commissioner Bousquet moved, seconded by Commissioner Rohde, to approve a purchase over \$5000 for the repair/replacement of the Law Enforcement Center driveway.

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

Commissioner Rohde stated that the Road Committee and Fred Kellogg, Road Director, met with Papiomissouri Natural Resource District. The PMNRD has received grant money to do two projects on the Pigeon-Jones Creek Project for replacing tubes with road structures on Lutton Avenue and 215<sup>th</sup> Street. The County will only be required to purchase right-of-way or permanent easements of 2 - 5 acres, which results in saving the county money as a match project on the One & Six Year Plan.

The GPS Committee had not met and will try to get together with Jessie Finken this week.

Commissioner Bousquet moved, seconded by Commissioner McNear, to have Rick Bousquet be the voting delegate at the NACO Annual Conference business meeting in December to vote for officers and Bill Rohde as the alternate.

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

Commissioner McNear reported that the stumps were removed at the Goodwill Camp. Chair McLarty said he received a phone call from Sonny Kellen expressing his appreciation.

Public Comment - None  
Mail and/or Emergency Business – None

Commissioner McNear reported that he had visited with Susan Church, Crystal Beach area resident, and had made some phone calls with train officials and thought he had made some progress on getting the trains to back up and clear the intersection.

Commissioner McNear moved, seconded by Commissioner Rohde, to adjourn the meeting at 8:18 a.m.  
ROLL CALL VOTE: McLarty- yea, Bousquet- yea, Rohde- yea, McNear- yea, Gomez- absent.  
UNANIMOUS MOTION CARRIED.

Dakota County Board of Commissioners

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

\_\_\_\_\_  
Joan Spencer, Acting Secretary

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

