

COMMISSIONERS RECORD BOOK P

DAKOTA COUNTY BOARD OF COMMISSIONERS
AUGUST 22, 2005 PROCEEDINGS
SPECIAL MEETING
BASEMENT MEETING ROOM
COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their Special Meeting to order at 1:34 p.m.
Roll call was taken with the following members present:
Commissioners O'Neill, Engel, Hartnett, Bousquet and Ted Piepho, Secretary.
ABSENT: Commissioner Miller arrived at 1:40 p.m.

Commissioner Bousquet moved, seconded by Commissioner Hartnett to convene into Closed Executive Session to discuss Litigation as requested by the County Attorney.
ROLL CALL VOTE: Miller- Absent, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 1:35 p.m.
Commissioner Miller arrived approximately 1:40 p.m. during the Executive Session.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to reconvene in Open Session.
ROLL CALL VOTE: Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, UNANIMOUS MOTION CARRIED. 2:04 p.m.

The board waited a couple of minutes for copies of the budget from their Administrative Assistant.

Chair Engel adjourned their meeting at 2:04 p.m.

DAKOTA COUNTY COMMISSIONERS

William F. Engel, Chair

ATTEST

Theodore A. Piepho, County Clerk

DAKOTA COUNTY BOARD OF COMMISSIONERS
AUGUST 29, 2005 PROCEEDINGS
BASEMENT MEETING ROOM
COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 1:32 p.m.
Roll call was taken with the following members present:
Commissioners O'Neill, Engel, Bousquet and Ted Piepho, Secretary.
ABSENT: Commissioners Hartnett and Miller.
Commissioner Hartnett arrived at 1:35 p.m. and Commissioner Miller arrived at 1:38 p.m.
The agenda for the meeting was as follows:

1. Call to Order - 1:30 p.m.
Roll Call
Pledge of Allegiance
Approve Minutes of August 15, 2005 & August 22, 2005.

BOARD OF EQUALIZATION

2. 1:31 p.m. Mid States Electric, Inc. Personal Property Appeal.
1:35 p.m. Byron Hall B or B Farms Personal Property Appeal.
1:40 p.m. Ruth & Tim Stewart Personal Property Appeal.
3. 1:45 p.m. Kevin Schwartz - Requesting Traffic Study for reduced speed limit signage entering Homer from Fiddler Creek Road.
4. 1:50 p.m. Kelly Malcom - Discuss the distance from parking to courthouse entry.
5. 2:00 p.m. Dave Barclay- Is requesting the County to accept the hard surfacing on Omaha Avenue.

COMMISSIONERS RECORD BOOK P

6. 2:15 p.m. Clancy's Pub 777 Inc. Omaha, NE is requesting the Board to approve a Special Designated Liquor License for Atokad's Live Meet.

7. Miscellaneous Agenda Items

- A. Take from the table and appoint Highway Supt. (Separate Motions)
 - B. Discuss Engineering services for existing and future Road Projects.
 - C. National Association of Counties Deferred Compensation Loan Option. (Passing this would allow Employees to borrow 50% of the balance in their deferred Compensation Account. The County does not participate in matching any contributions into this employees account. It merely allows an employee to borrow against their own account in certain situations if they wish.
 - D. Making front door in compliance with ADA
 - E. Review and Approve Payroll Claims
 - F. Jail Project
 - I.) Executive Session - Discussion Bid Review and bid Clarification.
 - II.) Authorize the Construction Manager and Architect to proceed with project review and bid recommendations to the board.
 - G. Approve Lease Purchase for Motor Grader for bid awarded 8-15-05.
 - H. County Board Inventory
 - I. Levy allocation for miscellaneous subdivisions and fire districts.
 - J. 2004 Tax List Correction
9. Public Comment
10. Mail and/or Emergency Business
11. Adjourn

The board discussed the length of term that they wished to finance the Motor Grader that the county is purchasing from Zeigler. They decided that the five year option was the best.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to finance the motor grader being purchased through Zeigler for a term of five (5 years) years at 3.60% interest making the payment \$15,579.50 with principal and interest and the first payment be 03-15-2006 and every six months there after until the final payment being 9-15-2010.

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

Nanci Walsh, Board assistant, informed the board that the Ag. Society, Fire Districts and Historical Society had filed "Preliminary Levy Allocations requests from the County Board". She noted that the Ag. Society and Historical Society had filed theirs after the August 1 deadline.

Commissioner Miller moved, seconded by Commissioner Bousquet allocating \$70,195 for the Ag. Society's General Fund and \$40,000 to the Ag Society's Capital Improvement Fund for a total of \$110,195.00 as follows:

RESOLUTION 05C-025
LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

Whereas, LB1114 provides that miscellaneous subdivisions are subject to levy allocation by the County Board; and,

Whereas, the miscellaneous subdivisions have filed a preliminary tax request with the County Board; and,

Whereas, the County Board must determine the final allocation of levy authority for its subdivisions.

Therefore, the Dakota County Board of Commissioners hereby allocates to the miscellaneous subdivisions as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Ag Society			
General	\$ 70,195.00	\$ 70,195.00	.007262
Capital Improvement	40,000.00	40,000.00	.004139
Total	110,195.00	110,195.00	.011401

*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 29th day of August, 2005.

County Clerk

Board Chair

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

Commissioner Hartnett moved, seconded by Commissioner Bousquet allocating \$70,195 for the Dakota Covington, Emerson and Homer Fire Districts as follows:

RESOLUTION 05C-026
LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

COMMISSIONERS RECORD BOOK P

Whereas, LB1114 provides that miscellaneous subdivisions are subject to levy allocation by the County Board; and,

Whereas, the miscellaneous subdivisions have filed a preliminary tax request with the County Board; and,

Whereas, the Fire Districts in the Mutual Finance Organizations received funding and must levy the same rate; and,

Whereas, the County Board must determine the final allocation of levy authority for its subdivisions.

Therefore, the Dakota County Board of Commissioners hereby allocates to the miscellaneous subdivisions as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Fire Protection Dist #1, Homer Total	30,892.47	24,729.16	.0295
Dakota Covington Rural Fire Total	70,825.14	63,033.11	.0295
Emerson Rural Fire Total	45,696.91	29,801.33	.0295

*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 29th day of August, 2005.

County Clerk

Board Chair

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

Commissioner Miller moved, seconded by Commissioner O'Neill allocating \$19,611.33 for the Dakota County Historical Society's General for a total of \$19,611.33.00 as follows:

RESOLUTION 05C-027

LEVY ALLOCATIONS FOR MISCELLANEOUS SUBDIVISIONS

Whereas, LB1114 provides that miscellaneous subdivisions are subject to levy allocation by the County Board; and,

Whereas, the miscellaneous subdivisions have filed a preliminary tax request with the County Board; and,

Whereas, the County Board must determine the final allocation of levy authority for its subdivisions.

Therefore, the Dakota County Board of Commissioners hereby allocates to the miscellaneous subdivisions as follows:

Subdivision	Property Tax Request	Property Tax Allocation	Levy*
Dakota Co Historical Society	19,611.33	19,611.33	.002029

*Levy Allocation is the rate per \$100 valuation.

Passed and adopted this 29th day of August, 2005.

County Clerk

Board Chair

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

Kevin Schwartz, Chairman of the Homer Village Board of Trustees, appeared before the board to request the county to do a Road Study for a reduced speed limit sign to be placed on Fiddler Creek Road as vehicles enter Homer Village Limits. He said that the speed limit goes from 50 down to 25 and the school is located just beyond that and says that is a safety hazard.

The board told the Director of Roads Bill Rohde to initiate the study.

Kelly Malcom and Sandy Ehrich appeared before the board to inform them that they have witnessed elderly people having problems walking from the front sidewalk of the courthouse to the courthouse.

COMMISSIONERS RECORD BOOK P

Commissioner Hartnett moved, seconded by Commissioner Miller to convene as Board of Equalization to hear the protests of Mid States Election, Tim and Ruth Stewart and B or B Farms protesting the penalties assessed them for not filing their Personal Property Schedules by the deadline.

ROLL CALL VOTE: Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, UNANIMOUS MOTION CARRIED. 2:03 p.m.

Madelyn Thorsland, States Assessor for Dakota County, said that the values submitted by the taxpayer be accepted, but read statute 77-1233.06 paragraph 3, which states in part, "Section 77-1233.06

(3) The action of the county board of equalization, in an appeal of the penalties imposed, shall be limited to correcting penalties which were wrongly imposed or incorrectly calculated. The county board of equalization shall have no authority to waive or reduce any penalty which was correctly imposed and calculated. The entire penalty and interest on the penalty shall be waived if the omission or failure to report any item of tangible personal property was for the reason that the property was timely reported in the wrong tax district;

Commissioner O'Neill moved, seconded by Commissioner Miller to set the Personal Property Values of Mid States Electric, Inc. at \$39,061.00 and to set the value of Tim and Ruth Stewart's at \$50,094.00 and to set the value of B or B Farms at \$13,413.00 and to deny reducing the 25% penalty for failure to file their Personal Property Schedules by the deadline.

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

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

ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Yea, Engel- Yea, UNANIMOUS MOTION CARRIED. 2:08 p.m.

Dave Barclay, With Barclay Asphalt, appeared before the board and told the board that the asphalt that was laid on Omaha Avenue for Project BRO-7022(11) was very Good. He said that the State's specifications fit that of an Interstate highway and this is no interstate highway. He added that he would be willing to incorporate an inch and one-half overlay on the existing asphalt and would be willing to guarantee it for 5 years.

Several board members expressed that they were not inclined to accept it less than the specifications called for.

Patrick Vondra, with 777 Inc., appeared before the board to request that the board approve a Special Designated Liquor License Application for them to sell alcohol at Atokad's live meet September 16, 17 and 18, 2005.

Shawn Goodman, Atokad's General Manager, witnessed that Atokad was in agreement to have 777 Inc. having a Special Designated License for their event.

Commissioner Engel moved, seconded by Commissioner Hartnett to approve a request for a Special Designated Liquor License in the name of 777 Inc. located at 777 No. 114th Street, Omaha, NE 68154 to sell alcohol at the Horsemen's Atokad Downs, located at 1524 Atokad Drive, South Sioux City, Nebraska, Dakota County, 68776, and to sell alcohol beverages during Atokad's live meet September 16, 17 and 18, 2005.

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

Bill Rohde, Director of Roads, appeared before the Board concerning the Highway Superintendents position. He recommended Randy Crombie at a salary of \$3,000 a year for that position in addition to what he is presently getting and that Kimon not be the second in charge.

Commissioner Miller moved, seconded by Commissioner O'Neill to take from the table the position of Highway Superintendent, which was tabled in their prior meeting.

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

Commissioner Miller moved, seconded by Commissioner Bousquet to appoint Randy Crombie as the County's Highway Supt. and that he be paid \$3,000 for those duties and that he be the second person in charge of the Road Department under Bill Rohde.

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

Bill Rohde requested a closed session to discuss the engineering of County Road Projects. He cited Section 84-1410 (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. He said in this case it is a company.

Commissioner Hartnett moved, seconded by Commissioner Bousquet to convene into Closed Session to discuss the engineering services of JEO.

ROLL CALL VOTE: O'Neill- Yea, Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, UNANIMOUS MOTION CARRIED. 2:25 p.m.

COMMISSONERS RECORD BOOK P

Commissioner Hartnett moved, seconded by Commissioner Engel to reconvene in open session with the clerk being absent and Nanci Walsh acting secretary.

ROLL CALL VOTE: Hartnett- Yea, Engel- Yea, Miller- Yea, Bousquet- Yea, O'Neill- Yea, UNANIMOUS MOTION CARRIED. 2:42 p.m.

Nanci Walsh, Administrative Assistant, presented the inventories for the Commissioners, Driver's Exam, Miscellaneous and the Real Property owned by the County.

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the inventories as submitted for the Commissioners, Driver's Exam, Miscellaneous and the Real Property owned by the County.

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

Jim Graham appeared before the board and suggested that the county request the state to put in a spur to Cargill.

Commissioner Bousquet moved, seconded by Commissioner Miller to approve making the front door to the courthouse handicapped accessible and to authorize a buzzer for entrance.

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

Commissioner Hartnett moved, seconded by Commissioner Miller to authorize the purchase of the motor grader through the NACO lease purchase program.

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

Dick Erickson, Appraiser for Dakota County, appeared before the board to ask them to approve a Tax List Correction as follows: Owner is: Bralda, Parcel ID; 220027080, Old Value: 61,435, New Value: 50,000. He said that \$50,000 was a TERC settlement in 2003 and it was settled after they could change the value for 2004. Therefore he explained that it had to be done by Tax List Correction.

Commissioner Hartnett moved, seconded by Commissioner Miller to approve and authorize the Chair to sign a Tax List Correction on Parcel ID; 220027080, reducing the Old Value of \$61,435, to the new value of \$50,000.00 as settled by the TERC in 2003 carrying over the same value to 2004.

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

Commissioner Hartnett moved, seconded by Commissioner O'Neill to approve the minutes of August 15, 2005 and August 22, 2005 as typed.

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

Commissioner Bousquet introduced the idea to the board that CBM prepare the meals for the inmates in our new jail. He added that they would possibly put in the equipment if the county on the other hand would let them prepare meals there for all their clients.

Chair Engel recessed their meeting at 3:15 p.m. and reconvened their meeting at 3:25 p.m.

Richard Pallensen appeared before the board and complained about the wash boards on Wigle Creek Road. He said that he just got through replacing lower ball joints, tie rod ends and shocks on his 1999 Yukon and felt that was due to the road conditions.

Chair Engel recessed their meeting at 3:42 p.m.

Chair Engel reconvened their meeting at 4:03 p.m.

Jerry Johnson, the Construction Manager for the Jail Project was in attendance.

Steve Davis, Architect for Dakota County's Jail Project, joined the meeting via telephone.

They explained that one of the bidder's did not mean to include Bid Package 10 in their total package bid. If the county would add their bid of \$171,700 to their total package, the cost of the overall bid packages would be forty some thousand less than if the county would accept the low bid on every bid project.

The County Attorney's opinion was that if they didn't take the low bid from all the various bidders, then they should rebid everything.

Commissioner Engel moved to accept the total package bid of McCann and to add their bid of \$171,700 for Bid Package 10 to their total package bid.

The motion died for a lack of a second.

Commissioner Bousquet moved, seconded by Commissioner Miller to accept the low bid of each individual Bid Project subject to the review by the Architect and Construction Manager.

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

COMMISSIONERS RECORD BOOK P

The following payroll claims were paid.

COUNTY GENERAL FUND: Gross salaries- \$80,070.67, General Fund Employees Net Pay- \$55,997.32, Employer deductions paid: Retirement- 5,043.88, Retirement Makeup- 34.44, Social Security Tax- 4,809.83, Medicare- 1,124.89, DC Health Plan- 16,090.14, DC Dental Plan- 623.70, Life Insurance- 148.50.

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 1098.47, Daniel Christoffers- 393.01, Marisol Curiel- 320.00, Bobbi Jo Harsma- 925.75, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 795.20, Robert Giese- 1450.04, Ruth Gillaspie- 1055.94, Jolene Heinemann- 851.20, Kimberly Kuehl- 775.32, Phyllis Ridge- 872.80, Mark J. Dorcey- 556.29, Margaret Rahn- 1055.94, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 777.60, Carol Dunham- 1055.94, Joe Flynn- 1538.46, Mary Gamble- 944.00, Bryan Smith Jr- 1849.19, Dustin Kinsey- 789.60, Andrew Jensen- 96.00, Richard Jensen- 1233.74, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 741.00, Jeremy Bermel- 1606.54, Anthony Bos- 1669.23, Brad Claypool- 1431.43, Sandy Dickens- 1000.08, Brian Ellinger- 1970.80, Penny Epting- 1170.19, Todd Hammer- 1422.86, Melvin Harrison III- 1389.08, Rodney Herron- 1564.33, Kimberly Johnson- 463.30, Jared Junge- 1500.63, Michael Kreegar- 1320.92, Gayle Richards- 744.80, Kevin Rohde- 1332.24, James Wagner- 1813.63, Randall Walsh- 1923.13, Rita Chase- 940.80, Amber Hegarty- 1633.98, Aimee Kennedy- 736.01, Edward Matney III- 2346.03, Debra Schmiedt- 1884.62, Bobbi Strong- 777.60, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1750.00, Richard Criss- 1060.00, Eric Davis- 1249.63, Ronald Fink Jr.- 1040.00, John Gilles- 1154.42, Michael Gregerson Jr.- 1094.65, Alma Gunderson- 1120.00, Paula Harrigfeld- 676.61, Brenda Harrison- 325.50, Cathy Harsma- 1154.42, Joseph Ramirez- 775.13, Krystal Ramirez- 1131.25, Linda Schovanec- 1180.88, Arnold Mellick- 115.39, Cynthia Purucker- 878.40, Leon Pies- 592.12, Pamela DeVries- 1398.56, Gloria Dwyer- 856.00, Patricia Glover- 869.08, Alan Boyd- 910.00.

GENERAL FUND: Employee withholding paid to: Federal- 7,466.59, State- 2,653.22, Social Security Tax- 4,809.83, Medicare- 1,124.89, Retirement- 3,429.62, Retirement Makeup- 24.44, DC Health Plan- 1,167.86, DC Dental Plan- 381.95, Colonial Health- 35.20, Sheriff Union Dues- 70.00, Deferred Comp- 692.78, Garnishments- 1,218.65, Aflac Health- 486.77, Aflac Life/Dsbl- 90.55, Aflac Flex Plan- 421.00.

COUNTY ROAD PAYROLL: Gross salaries- \$14,157.91, Road Employees Net Pay- \$10,082.13, Employer deductions paid: Retirement- 864.81, DC Health Plan- 2,925.48, DC Dental Plan- 113.40, Life Insurance- 27.00, Social Security Tax- 845.51, Medicare- 197.75.

Joel Broekemeier- 1109.60, Randall Crombie- 1113.60, Ronald Harder- 1105.60, Walter Heinemann- 1113.60, Richard Hoesing- 1109.60, Robert Jacobsen- 1113.60, Fred Kellogg- 1105.60, Kimon Litras- 1150.40, Arnold Mellick- 1113.60, Marlan Millard- 1134.48, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1091.28.

ROAD FUND: Employee withholding paid to: Federal- 1,155.16, State- 428.75, Social Security- 845.51, Medicare- 197.75, Retirement- 576.52, DC Health Plan- 300.69, DC Dental Plan- 78.28, Reassure America Life- 9.76, Union Dues- 220.00, Deferred Comp.- 61.68, Aflac Health- 141.45, Aflac Life/Dsbl- 60.23.

COPS FAST GRANT: Gross salaries- 1,316.80, Cops Fast Employee Net Pay- 921.06, Employer deductions paid: Retirement- 102.05, DC Health Plan- 243.79, DC Dental Plan- 9.45, Life Insurance- 2.25, Social Security- 81.64, Medicare- 19.09, Brent Gilster- 1316.80.

COPS FAST GRANT: Employee withholding paid to: Federal- 160.90, State- 56.69, Social Security- 81.64, Medicare- 19.09, Retirement- 72.42, Sheriff Union Dues- 5.00.

VISITORS PROMOTION: SSC Chamber of Commerce: Lodging tax- 14,820.93

Chair Engel adjourned their meeting at 4:43 p.m.

DAKOTA COUNTY COMMISSIONERS

William F. Engel, Chair

ATTEST

Theodore A. Piepho, County Clerk