

Dakota County Board of Commissioners  
Monday, October 4, 2021  
3:00 p.m. - Regular Business Meeting  
County Board Meeting Room, First Floor  
Dakota County Courthouse, Dakota City, Nebraska

Chair Gill called the meeting to order at 3:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Gill, Love, Giese, Albenesius, Launsby. Absent: None. Also present was Kim Watson, County Attorney and Joan Spencer, County Clerk, acting as Board Secretary. The location of the Open Meetings Act was noted.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL – Excused Absence

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

*The Dakota County Board of Commissioners reserves the right to adjust the order of items on this agenda if necessary.*

1. PUBLIC COMMENT. The Board of Commissioners will hear comments about any item not on the agenda. The Chair has the discretion to limit the time of comment.
2. CONSENT AGENDA *Any individual item may be removed by a Commissioner for special discussion and consideration. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners.*
  - a. Approval of the previous meeting minutes – September 20, 2021
  - b. Approval of payroll claims for September 19- October 2, 2021
  - c. Approval of accounts payable claim if applicable – Eastern Properties-tax sale refund
3. NEW BUSINESS & RESOLUTIONS
  - a. Jon Cannon, NACO Executive Director, to update the Board regarding the American Rescue Plan Act (ARPA) funds and eligible uses.
  - b. Board to designate an ARPA Committee regarding eligible uses for the American Rescue Plan Act (ARPA) funds.
  - c. Board to approve Chair to sign the Engagement Letter with Lutz & Company—a CPA firm, to provide assistance in the administration of the local Fiscal Recovery Funds as part of the American Rescue Plan Act (ARPA).
  - d. Pat Engel, Dakota City, has filed a Petition to Close or Vacate a Road with the County Clerk requesting vacation of road described as: Platted as an Alley in Block 3, Crystal Beach, between Lots 1 - 9 on the north and Lots 10-18 on the south, excepting portion of Eagle Drive, Dakota City, Nebraska, Section 6, Township 28N, Range 9E.
  - e. Board to approve Resolution 21C-044 directing the Highway Superintendent to study the use being made of public road platted as an alley in Block 3, Crystal Beach, Section 6, Township 28N, Range 9E.
4. MISCELLANEOUS & OLD BUSINESS
  - a. Board to approve or not approve using a Preconstruction Services Agreement between Dakota County and The Weitz Company, LLC, LaVista, Nebraska, for the Phase 2 Jail construction project.
  - b. Jolene Gubbels, Highway Superintendent – Bi-weekly Road Report
  - c. Surplus Report for equipment sold by the Road Department with Big Iron.
  - d. Board approval of Change Order; Contractor's Application for Payment No. 3/Final; and Certificate of Substantial Completion for project Waterbury South Bridge #C002200125.
  - e. Sheriff Kleinberg – Monthly Jail Report
  - f. Dawn Bousquet, Treasurer, requesting tax refund to tax sale investor on parcel 220149194 – South Sioux City Schools. §77-1734.01
  - g. Closed Session regarding union contract negotiations.
  - h. Board to approve or not approve the Sheriff Deputy and Correctional Officer Fraternal Order of Police's request to come back to the bargaining table.
  - i. Board to approve the formation of a Health Insurance Committee to meet with union members.
  - j. Board to approve or not approve Flu Shots(\$25.00) at No Cost for County Employees.
  - k. Discussion regarding the UNL Extension Office Lease Agreement Option to Renew with the Papio-Missouri River NRD, 1505 Broadway Street, Dakota City.
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
  - Maintenance of Veterans Drive
7. ADJOURNMENT

Chair Gill called for Public Comment. There was none.

Chair Gill called for approval of the consent agenda: (a) approval of the previous meeting minutes of September 20, 2021; (b) approval of payroll claims for September 19 – October 2, 2021; (c) accounts payable claim-Eastern Properties

tax sale refund. Commissioner Love moved, seconded by Commissioner Giese, to approve the consent agenda items. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

**Payroll: General Fund Employer:** Gross Salaries-\$162,426.36; Net Pay-\$114,978.54; Total Retirement-\$11,180.86; Total FICA-\$12,013.36; Health Plan-\$34,866.00; Dental Plan-\$1,150.50; Life Insurance-\$200.32; Larry Albenesius-\$1,133.71; Robert Giese-\$1,133.71; Janet Gill-\$1,179.87; Troy Launsby-\$933.71; Scott Love-\$1,133.71; Cherie Conley-\$2,193.08; Leticia Vargas-\$1,368.00; Joan Spencer-\$2,321.49; Kathy Abbe-\$2,065.40; Dawn Bousquet-\$2,321.49; Maria Garcia-\$1,132.59; Stephanie Gatzemeyer-\$2,491.35; Jalissa Hattig-\$1,323.20; Brenda Landaverde-\$1,267.01; Samantha Mitchell-\$719.36; Debera Benton-\$1,320.00; Christy Abts-\$2,321.49; Melissa Collins-\$1,200.00; Courtney Lane-\$1,200.00; Joseph O'Neil-\$285.26; Karen Jimenez-\$1,539.20; Katherine Wiltgen-\$2,321.49; Louvontree Hunter-\$2,850.36; Debra Jensen-\$1,662.13; Casandra Pedroza-\$1,212.00; Kevin Hansen-\$2,461.37; Tammy Dunn Peterson-\$1,255.20; Shaun Bird-\$1,624.98; Sergio Castillo-\$2,357.99; Timothy Decker-\$2,636.12; Brian Ellinger-\$2,394.36; Penny Epting-\$2,291.94; Brian Fernau-\$2,208.06; Tyler Fulkerth-\$2,145.55; Brent Gilster-\$2,494.18; Martin Guerrero-\$2,419.33; Melvin Harrison III-\$2,461.88; Jason James-\$2,261.33; Douglas Johnson-\$2,548.30; Kimberly Johnson-\$747.14; Jared Junge-\$2,296.80; Christopher Kleinberg-\$2,532.44; Kevin Rohde-\$2,216.80; Mardi Schnee-\$1,121.60; Shantel Krull-\$988.80; Debra Schmiedt-\$3,442.26; Kimberly Watson-\$3,624.77; Melinda Wicks-\$2,587.00; Emma Wiebelhaus-\$1,236.00; Jacob Acero-\$1,797.96; Shaelee Barreras-\$0.00; Rebecca Broer-\$1,768.00; Kacie Brown-\$1,857.06; Ricardo Chavez-\$1,528.80; Lacey Clark-\$1,627.15; Leonardo Davalos-\$570.26; Alexander DeLeon-\$1,680.12; Elisabet DeRoin-\$1,790.20; Jesse Doelle-\$1,726.40; Lynn Fleming-\$1,528.80; Jonathan Gray-\$1,778.06; Sara Gritten-\$1,606.15; Kara Groetken-\$1,983.67; Todd Hammer-\$2,282.45; Adam Hough-\$1,829.74; Brenda Irwin-\$1,799.11; Jose Magana-\$1,627.15; Jacob McCollum-\$1,627.15; Skyler Miner-\$1,701.12; Keaton Mueller-\$776.63; Mark Nelson-\$2,387.78; Gregory Nyhof-\$2,022.13; Kimberly Peterson-\$1,747.20; Michele Rohde-\$1,757.95; Jonathan Romo-Rodriguez-\$1,681.75; Rebecca Schoep-\$1,602.84; Jennifer Svendsen-\$3,164.28; Taylor Tadlock-\$1,734.60; Danielle Thibodeau-\$1,837.85; Estrella Vazquez-\$1,586.20; Randall Walsh-\$2,548.36; Deanna Hagberg-\$2,020.14; Jolene Gubbels-\$2,089.60; Matthew Roost-\$273.26; Jana Adam-\$1,636.92; Yvette Aldana-\$1,568.05; Theresa Grove-\$2,269.23; Mohamud Ibrahim-\$236.12; Raquel Jimenez-\$1,541.25; Yesica Saldana Cisneros-\$1,449.86; Jacqueline Traum-\$1,316.34; Willard Johnston-\$2,084.86; **General Fund Employee:** Federal Tax-\$12,341.17; State Tax-\$5,965.09; Soc Sec-\$9,736.32; Medicare-\$2,277.04; Extra Fit-\$836.00; Extra Sit-\$140.00; Retirement-\$7,586.37; Health Plan-\$2,800.00; Dental Plan-\$525.00; Colonial Health-\$264.48; Sheriff Union Dues-\$435.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$1,225.00; Garnishments-\$1,348.70; Flex Plan Medical-\$997.50; Flex Plan Dependent Care-\$208.33; VSP Vision Prem-\$454.76; Legal Shield-\$99.16; Liberty Nat'l Pretax-\$71.04; Liberty Nat'l-\$0.00; VSP Vision Base-\$82.86; **Road Fund Employer:** Gross Salaries-\$16,533.60; Net Pay-\$11,415.11; Retirement-\$1,116.04; Total FICA-\$1,234.79; Health Plan-\$4,470.00; Dental Plan-\$147.50; Life Insurance-\$24.61; Brent Byroad-\$1,923.20; Kevin Chambers-\$1,613.60; Ryan Chambers-\$1,613.60; Robert Hacker-\$1,625.60; Lance Jacobsen-\$1,601.60; David Kneiff-\$1,613.60; Kimon Litras-\$1,741.60; Dean Pallas-\$1,625.60; Tyler Pallas-\$1,561.60; Matthew Roost-\$1,613.60; **Road Fund Employee:** Federal Tax-\$1,329.38; State Tax-\$598.16; FICA-\$1,000.75; Medicare-\$234.04; Extra Fit-\$150.00; Retirement-\$743.99; Health Plan-\$200.00; Dental Plan-\$63.00; Colonial Health-\$38.23; Garnishments-\$400.91; Road Union Dues-\$175.00; Legal Shield-\$36.82; Liberty National PreTax-\$101.30; VSP Vision Base-\$46.91; ; **Health Planning Grant Employer:** Gross Salaries-\$1,577.60; Net Pay-\$1,204.34; Retirement-\$106.49; Total FICA-\$117.92; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,577.60; **Health Planning Grant Employee:** Federal Tax-\$84.99; State Tax-\$41.23; FICA-\$95.57; Medicare-\$22.35; Extra Sit-\$5.00; Retirement-\$70.99; Dental Plan-\$21.00; VSP Vision-\$15.18; Legal Shield-\$16.95; **Juvenile Services Aid Employer:** Gross Salaries-\$1,263.24; Net Pay-\$713.70; Retirement-\$85.27; Total FICA-\$68.26; Health Plan-\$447.00; Dental Plan-\$14.75; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,263.24; **Juvenile Services Aid Employee:** Federal Tax-\$36.62; State Tax-\$16.81; FICA-\$55.32; Medicare-\$12.94; Retirement-\$56.85; Health Plan-\$350.00; Dental Plan-\$21.00;

**Accounts Payable:** Eastern Properties – interest owed tax sale refund - \$463.49.

Jon Cannon, NACO Executive Director, addressed the Board regarding the American Rescue Plan Act (ARPA) funds and eligible uses. He cautioned that there is a claw-back provision that prohibits the ARPA funds from being used for ineligible uses—no matter who we give it to, the Board is ultimately responsible of how the funds are used. He outlined and explained the four eligible uses: (1) Responding to public health emergencies and transfer of funds to a non-profit or special governmental units such as the public health department; and also addressing negative economic impacts such as the tourism and travel industries. The Board could offer Block Grants and set the rules for the industry to show the revenue loss impact by the public health emergency by a set percent, etc. You could also set up a block grant for effected class of citizens such as restaurant wait staff or persons laid off in the meat packing industry. (2) Providing government services where there has been a reduction in revenue per the required calculation table. (3) Investment in water, sewer and broadband infrastructure—such as box culverts subject to qualifications under the EPA clean and safe drinking water. Rural broadband was found to be crucial to residents during the pandemic. LB388 was passed this year by Nebraska Legislature specific to rural broadband/\$20 million in both 2021 and 2022 so we could partner with the state on this issue. (4) Premium pay for eligible employees such as any person who had face-to-face interaction with the public and materials handled by the public. Those persons who worked remotely would not be eligible. Mr. Cannon stated courthouse employees are eligible (except elected officials). He cautioned to be very intentional and transparent on how the funds are divided. Funds could be prorated for terminated employees. The funds must be designated by December 2024 and spent down by 2026. He gave an example of funds being spent for a Child Care Center with documentation showing how response to the pandemic had workers at home with children not in school and no workforce had a negative impact on their town. Mr. Cannon also explained how Lutz & Company was contracted through NACO and their fees can be paid with ARPA funds. Also, the interest earned by the County on the ARPA funds can be kept by the County.

An ARPA committee was discussed. Not all the persons contacted have responded and it was suggested to reach out again. This agenda item will be placed on the next agenda.

Commissioner Love moved, seconded by Chair Gill, to approve Chair to sign the Engagement Letter with Lutz & Company—a CPA firm, to provide assistance in the administration of the local fiscal recovery ARPA funds. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Chair Gill noted that Pat Engel has filed with the Clerk a Petition to Vacate Road. Chair Gill moved, seconded by Commissioner Love, to approve Resolution 21C-044 directing the Highway Superintendent to study the use being made of public road platted as an alley in Block 3, Crystal Beach, Dakota City, Nebraska. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

RESOLUTION 21C-044

A RESOLUTION DIRECTING THE HIGHWAY SUPERINTENDENT  
TO STUDY THE USE BEING MADE OF PUBLIC ROAD

WHEREAS, Sec. 39-1722 Nebr. R.R.S., 1943, makes provisions for a county board of commissioners to commence the process of vacation or abandonment of public roads in its county; and

WHEREAS, a clear and unambiguous description of the road to be relocated, vacated or abandoned, is as follows, to-wit:

Platted as an Alley in Block 3, Crystal Beach, between Lots 1 to 9 on the north and Lots 10 – 18 on the south, excepting portion of Eagle Drive, Dakota City, Nebraska, Section 6, Township 28N, Range 9E

Aerial map showing said County Road to be vacated or abandoned in Dakota County, Nebraska is hereto attached, marked Exhibit "A",

WHEREAS, the vacation or abandonment of said roads is for one or more of the following reasons:

1. Said public road is not used by the public and is of no value to the public, and it therefore serves no purpose for it to remain open to the public.
2. The board cannot foresee any reason that the said road would have to be reopened in the future if it were vacated or abandoned.

NOW THEREFORE, BE IT RESOLVED, that the Dakota County, Nebraska Board of Commissioners deems that the public interest may require the vacation and/or abandonment of said public roads described above.

AND BE IT FURTHER RESOLVED, that the Dakota County Highway Superintendent be directed to study the use being made of such public road and that said County Highway Superintendent be directed to submit in writing to the Board, within 30 days from this date, a report upon the study made of his recommendation as to the vacation and/or abandonment thereof.

AND BE IT FURTHER RESOLVED, that this Resolution and the written report of the Dakota County Highway Superintendent be retained in the office of the County Clerk of Dakota County, Nebraska, as a part of the permanent public records of the Dakota County, Nebraska, Board of Commissioners.

PASSED AND APPROVED this 4<sup>th</sup> day of October, 2021

Steve Davis, Architect with Shive-Hattery and Brian Mahlendorf, Weitz Company Construction Manager, spoke in consideration of the Board to approve a Preconstruction Services Agreement with the Weitz Company for the Jail Phase 2 construction project. Ron Hines, Project Manager, Shive-Hattery, was available by telephone. Steve Davis informed the Board that he was on site today with engineers to look at issues in the current jail regarding the showers. A request was made to add a medical exam room, holding cell and office area in designing Phase 2. Mr. Davis addressed concerns in construction where it would be helpful to have a preconstruction manager on board. Mr. Mahlendorf stated it would allow them to work more quickly and stay on schedule without design changes and be more cost effective. Commissioner Albenesius stated nothing would be done without them working together and asked why Weitz Company was not on the Shive-Hattery payroll. Mr. Mahlendorf responded that most owners want separation between design and construction. Commissioner Launsby asked why a preconstruction manager was not brought to the first meeting. Mr. Davis responded that Phase 2 project was not yet approved to go forward. Discussion was then had with the Sheriff regarding which construction manager would be able to help the County the most. Mr. Mahlendorf said it is not uncommon to add a construction manager several months after the design phase has started but still early enough in the process as the ideas are developing. Commissioner Launsby asked what other costs would be involved that the Board is not aware of. Mr. Hines stated another soft cost would be the soil borings, SFE and he would provide a list of those costs. Chair Gill stated she understood from the first meeting that the Board would receive a preliminary estimate of project cost to see if we would move forward on the project and felt we were getting the "cart before the horse" by bringing on a construction manager now when still not sure we are doing the project and she is getting negative feedback from the public. Mr. Davis stated that is still the case—they will bring a preliminary cost estimate, but it would not have the detail a construction manager would add. Mr. Mahlendorf explained to Commissioner Albenesius that the Weitz Company fee is a fixed \$25,000 for the preconstruction process and their service would be to help the Board understand the cost, the timeline, and most importantly the lead time that is going to affect building components of the jail. Sheriff wants to go today and there are materials 8 – 10 months out from order. Those are the type of things we will help identify early so you can make decisions moving forward. Mr. Davis said, they can be brought on later, but any design changes could cause delay and if on board, pre-orders can be made now. Commissioner Albenesius thought the project timing is wrong with so many materials hard to get. Commissioner Giese asked about locking prices. Public contracts have any savings going back to

the County—manages the construction process. Commissioner Love thought the Board approved moving forward on the project. Lue Franco asked if taxpayers were paying for the project—no, Federal Marshal contract with inmate per diem rate increase covers the costs and creates a future revenue stream for the County. Weitz Company helped Washington County save \$1 million. Ron Hines said that construction management is the fastest track to construction. Commissioner Love thought if we are moving forward, we need a construction manager. Commissioner Love moved, seconded by Commissioner Giese, to approve a Preconstruction Services Agreement between Dakota County and The Weitz Company for Phase 2 Jail project. ROLL CALL VOTE: Launsby- no, Gill- no, Love- yes, Giese- yes, Albenesius- no. MOTION FAILED.

Jolene Gubbels, Highway Superintendent, presented the Road Report for September 19 – October 2, 2021. Total road maintenance- 232 hours; tree/debris removal- 2 hours; Culvert Projects: Lynch Ave- 9 hours; Jackson High Bridge – 5 hours; garbage pickup- 8.5 hours; gravel hauling – 52 hours; tons of gravel hauled – 754.66; Weed spraying/inspections- 4 hours; sign repair/barricading- 43 hours. Grading concerns- Blyburg Road, 110<sup>th</sup> Street, M Avenue and gravel concerns- Pigeon Avenue. The Jackson High bridge is open. The Waterbury South bridge will be open in 2 days. The Willis bridge should be finished in several weeks. The 265<sup>th</sup> Street Bridge steel beams are on backorder.

Chair Gill asked Ms. Gubbels about the mail agenda item—maintenance of Veteran's Drive. Discussion was had on landowners mowing and who mows the median. Chair Gill will contact Lance Hedquist regarding improvements by the City (street light lamp posts and electrical boxes) and landowners regarding mowing. Jon Cannon suggested Chair contact Bill Tielke, NACO Northeast President, regarding mowing of the right-of-ways.

Jolene Gubbels, Highway Superintendent, presented the Surplus Report—2004 Utility Trailer sold at Big Iron Auction for \$6,655.

Commissioner Giese moved, seconded by Commissioner Albenesius, to approve the Waterbury South bridge (#C002200125) project Change Order for \$325 under bid; Nelson & Rock's application for final payment #3 in the amount of \$15,504.80 and the Certificate of Substantial Completion. ROLL CALL VOTE: Gill- yes, Love- yes, Giese- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

Dawn Bousquet, Treasurer, explained the tax refund. Chair Gill moved, seconded by Commissioner Giese, to approve a refund to tax sale investor on parcel 220149194 (South Sioux City Schools) for 2019 and 2020. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Chair Gill, to convene in closed session regarding union contract negotiations. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED at 4:58 p.m. Chair Gill restated the purpose of the closed session.

Commissioner Love moved, seconded by Chair Gill, to reconvene in open session. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED at 5:34 p.m.

The Board took no action on agenda item to approve or not approve the request of the Fraternal Order of Police to come back to the bargaining table. Discussion was had between Lt. Brian Ellinger, Lt. Jacob Acero and the Board. The Board would like to sit down and talk with the union before taking action on the FOP's request. Lt. Ellinger and Lt. Acero will talk with the union members to see if they want to go to arbitration or consent to the Board's request to talk and leave options open.

Formation of Health Insurance Committee was discussed. It was the consensus to not only get union members to be on the committee but courthouse employees also. No action was taken.

Commissioner Love moved, seconded by Commissioner Albenesius, to approve Flu Shots at no cost to county employees (United Pathways Grant). ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Commissioner Giese moved, seconded by Commissioner Launsby, to approve the option to renew the UNL Extension Office Agreement for an additional three (3) years. ROLL CALL VOTE: Launsby- yes, Gill- yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Commissioner Committee Reports: Launsby- Road Department—interviewed an applicant for the job opening. No mail or emergency business.

Chair Gill adjourned the Board of Commissioners meeting of October 4, 2021, at 5:55 p.m.

Dakota County Board of Commissioners

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Janet Gill, Chair

Date signed

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Joan Spencer, County Clerk/Secretary

Date