

Dakota County Board of Commissioners
Monday, November 1, 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 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 – October 18, 2021
 - b. Approval of payroll claims for October 17 - 30, 2021
 - c. Approval of accounts payable claim/s if applicable
 - d. Approval of Veterans Service Officer, County Sheriff & Jail Quarterly Reports - Jul-Sep, 2021
 - e. Approval of Chair to sign Mid-American Benefits Designated Privacy Personnel Certificate of Authority and Notice of Confidentiality; FLEX Cafeteria Plan Renewal and options.
 - f. Approval of County Board District precinct lines (Dakota County Board of Commissioner race is one precinct—At Large) per 2020 Census data updated. §32-553
 - g. Approval of Chair to sign the Nebraska State Fire Marshal Conveyance Compliance Sheet for the elevator inspection.
3. NEW BUSINESS & RESOLUTIONS
 - a. 3:01 p.m. Open and award bids for Fair Meadows overlay
 - b. 3:02 p.m. Open and award bids for Old Sawmill overlay
 - c. Wat Buddharam of Siouxland, Inc., requesting approval of Special Designated Liquor License for a Fundraising Event at 1501 W 29th Street, South Sioux City, on December 24th from 5:00pm - 12:00am
 - d. Shive-Hattery Architecture – Engineering to update the Board regarding program review findings in the schematic design phase and opinion of probable project costs.
 - e. Board to approve or not approve hiring a Construction Manager to move forward on the Jail Phase 2 project.
4. MISCELLANEOUS & OLD BUSINESS
 - a. Jolene Gubbels, Highway Superintendent – Bi-weekly Road Report
 - b. Board to discuss and approve or not approve a part-time (approximately 20 hours/week) clerical position for the Veterans Service Officer.
 - c. Dawn Bousquet, Treasurer, Distress Warrants 2020 Report for collection in 2022. §77-1718
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
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 – October 18, 2021; (b) Approval of payroll claims for October 17 - 30, 2021; (c) Approval of accounts payable claim/s if applicable; (d) Approval of Veterans Service Officer, County Sheriff & Jail Quarterly Reports - Jul-Sep, 2021; (e) Approval of Chair to sign Mid-American Benefits Designated Privacy Personnel Certificate of Authority and Notice of Confidentiality; FLEX Cafeteria Plan Renewal and options; (f) Approval of County Board District precinct lines (Dakota County Board of Commissioner race is one precinct—At Large) per 2020 Census data updated; §32-553; (g) Approval of Chair to sign the Nebraska State Fire Marshal Conveyance Compliance Sheet for the elevator inspection. 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:

Commissioner Launsby opened the bids for the Fair Meadows overlay: (1) Barkley Asphalt- \$31,296.00 and (2) Knife River Midwest- \$36,375.69. Commissioner Launsby moved, seconded by Chair Gill to award the Fair Meadows overlay project to low bidder—Barclay Asphalt in the amount of \$31,296.00. ROLL CALL VOTE: Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Launsby opened the bids for the Old Sawmill Road overlay: (1) Barkley Asphalt- \$34,242.00 and (2) Knife River Midwest- \$39,375.69. Commissioner Launsby moved, seconded by Commissioner Albenesius to award the Old Sawmill Road overlay project to low bidder—Barclay Asphalt in the amount of \$34,242.00. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Gill- yes, Love- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

Commissioner Love moved, seconded by Commissioner Albenesius, to approve a Special Designated Liquor License for Wat Buddharam of Siouxland for a fundraising event at 1501 W 29th Street on December 24th from 5:00 p.m. to 12:00 a.m. ROLL CALL VOTE: Launsby- yes, Gill yes, Love- yes, Giese- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Ron Hines, ShiveHattery project manager for the Phase 2 Jail project presented the schematic design package and passed out the site plan documents. The project would use concrete wall panels. Their opinion of probable project costs to the Board for a total construction cost is \$11,103,524 and total project cost including soft costs, project contingencies and administrative is estimated at \$12,983,545. Discussion was had. Commissioner Albenesius questioned why a construction manager versus a general contractor. Mr. Hines explained a general contractor would push the project back to start a 4-week bid process in March versus now. Commissioner Launsby asked if starting in the spring, how long the project would take. Mr. Hines stated 12 months. Chair Gill asked why the cost increased (approximately \$2 million). Mr. Hines said that was partially due to material cost and backlogs. Sheriff Kleinberg stated the original cost was estimated back in August and that the number of beds has increased to 116. Sheriff Kleinberg stated he would have no trouble filling the 30+ beds. Commissioner Albenesius asked what would happen if the federal marshals no longer housed inmates with the county—Sheriff Kleinberg stated he has never seen a decrease. Commissioner Love stated that at one point, the County was paying to house inmates off-site. Commissioner Albenesius stated his fear is that inmates could be housed elsewhere and Dakota County would be left “high and dry.” Sheriff Kleinberg stated there has always been a need to house federal inmates, they are desperate for bed space and never foresees that happening. Mr. Hines stated in his 38 years, he has never seen such a “sweet” contract as Dakota County was offered. Commissioner Albenesius wondered if the Feds would build their own jail—Commissioner Love stated the federal government is not known to do that—example is that the post offices are all leased out. Chair Gill commends Sheriff Kleinberg for housing federal inmates in our current extra beds, but apprehensive to build a facility for them—they have the flexibility to do what they want and we are the ones at risk. She stated she did research and the national trend is to rehabilitate rather than incarcerate and incarceration rates are going down. Each administration is different but she is concerned about the last 10-year trend of incarcerations going down. Sheriff Kleinberg stated the dream for the County for the past 10 years was to get a contract with the Feds and he did that. And now starting in 2022, the Feds will not be allowed to house in private prisons which started the push for the build in Dakota County. Commissioner Albenesius again brought up using a construction manager versus as general contractor and thought there would be price gouging without the county's knowledge. Mr. Hines stated that could not happen—laws for public bidding prohibit that. Sheriff Kleinberg is worried that if this relationship with the federal marshals is ruined, they could go elsewhere for boarding. Chair Gill asked if this is County business to house federal marshals? Sheriff Kleinberg stated that Hall County is doing just that with ICE inmates. Chair Gill reiterated that the County is taking the risk. Commissioner Launsby was concerned that there is a termination clause in the Federal Marshal contract and the risk too great for the taxpayers if the Feds terminate the contract. Commissioner Albenesius asked what the invoice is to-date is for the architect—Mr. Hines stated approximately \$200,000 and he will be waiting to hear if they go forward with the design.

Brian Malendorf, Weitz Company, reiterated the value of a construction manager for this fast-paced project schedule and the importance of ordering the long-lead materials now. Commissioner Giese asked the Board to look at the end forecast of what could potentially happen. The County never has enough money for projects. The 30-month contract is the key that will pay for the jail. Costs have been run and there is a potential of \$1 million+ in revenue—could be used to lower tax the levy. Bond payments can be flexible. There are risks, but the potential is there for \$1 million in revenue(profit) for each year after the jail is built. Commissioner Love stated if the Feds invest \$12 million, they are not walking away. Commissioner Love moved, seconded by Commissioner Giese, to approve hiring Weitz Company construction manager to move forward on the Jail Phase 2 project. ROLL CALL VOTE: Gill- no, Love- yes, Giese- yes, Albenesius- no, Launsby- no. MOTION FAILED.

Commissioner Love read the Bi-weekly Road Report for October 17 – 30, 2021. Total road maintenance- 177 hours; tree/debris removal- 49 hours; Projects: N Bluff- 14 hours; 260th Street- 11 hours; 142nd & Elgin- 46.5 hours; gravel hauling – 25 hours; tons of gravel hauled – 327.27; sign repair/barricading- 37 hours. Gravel concerns: Likuwanta & Gateway Drive.

Chair Gill moved, seconded by Commissioner Giese, to approve adding a part-time clerical position with approximately 20 hours per week in the Veterans Service Office. ROLL CALL VOTE: Love- yes, Giese- yes, Albenesius- yes, Launsby- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Dawn Bousquet, Treasurer, presented the 2020 Distress Warrants collections for 2022.

Commissioner Committee Reports: Love- Health Department will meet this week; Giese- Veterans Committee and ARPA. Albenesius- addressed additional road projects; Gill- audit exit interview. No mail or emergency business.

Chair Gill adjourned the Board of Commissioners meeting of November 1, 2021, at 4:34 p.m.

Dakota County Board of Commissioners

Janet Gill, Chair

Date signed

Joan Spencer, County Clerk/Secretary

Date