

Dakota County Board of Commissioners  
Monday, June 13, 2022 - 3:00 p.m.  
County Board Meeting Room, First Floor  
Dakota County Courthouse, Dakota City, Nebraska

Chair Giese called the meeting to order at 3:00 p.m. with the Pledge of Allegiance. Present at Roll Call: Giese, Love, Gill, 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 – May 31, 2022
  - b. Approval of payroll claims for May 29 to June 11, 2022
3. NEW BUSINESS & RESOLUTIONS
  - a. Approve modified Federal Marshals contract for the purpose of an addition to the Jail.
  - b. Approve Shive-Hattery architects to move forward with the Jail addition construction documents.
  - c. Approve and award bids for (1) Dixon Path overlay project and (2) Gateway Drive patching project.
4. OLD BUSINESS & MISCELLANEOUS
  - a. Jolene Gubbels, Highway Superintendent – Road Report
  - b. Jolene Gubbels, Highway Superintendent, seeking approval to purchase John Deere motor grader via state bid.
  - c. Discussion and answers addressing questions from Civil Engineers & Constructors, LLC, (CEC) regarding the M Avenue paving project.
  - d. Sheriff Kleinberg – monthly Jail Report
  - e. Approve renewal of Managed Services Agreement with Riverside Technologies, Inc., (RTI) as the counties IT provider effective for the period of three (3) years from July 1, 2022, to June 30, 2025.
  - f. Board approval for Deanna Hagberg, Emergency Manager, to move her office from the Courthouse to the Law Enforcement Center, South Sioux City.
  - g. Approve project/s with monies from the American Rescue Plan Act (ARPA) relief funding.
    - Approve a quote for courthouse keyless entry
5. COMMISSIONER COMMITTEE REPORTS
6. MAIL AND/OR EMERGENCY BUSINESS
  - Request for Requirement of an Environmental Impact Study
7. ADJOURNMENT

Chair Giese called for Public Comment on any item not on the agenda. Dawn Bousquet, Treasurer, informed the Board that \$1,944,908.00 in ARPA funds were received for a Fund 2580 balance totaling \$3,682,013.82 which includes \$7,800.80 in interest earned. Chair Giese asked what the current interest rate is—Dawn said .49%.

Chair Giese called for approval of the consent agenda—(a) approval of the May 31, 2022 minutes; (b) approval of payroll claims for hours worked May 29 – June 11, 2022. Commissioner Love moved, seconded by Commissioner Gill, to approve the consent agenda items. ROLL CALL VOTE: Love- yes, Gill- yes, Albenesius- yes, Launsby- yes, Giese- yes. UNANIMOUS MOTION CARRIED.

**Payroll – General Fund Employer:** Gross Salaries-\$165,959.93; Net Pay-\$118,531.00; Total Retirement-\$11,562.63; Total FICA-\$12,329.15; Health Plan-\$39,000.00; Dental Plan-\$1,170.00; Life Insurance-\$200.32; Larry Albenesius-\$1,152.39; Robert Giese-\$1,198.54; Janet Gill-\$1,152.39; Troy Launsby-\$952.39; Scott Love-\$1,152.39; Cherie Conley-\$1,781.11; Robin Hansen-\$1,322.23; Joan Spencer-\$2,367.92; Kathy Abbe-\$1,335.20; Dawn Bousquet-\$2,367.92; Maria Garcia-\$1,101.60; Stephanie Gatzemeyer-\$1,626.40; Jalissa Hattig-\$1,323.21; Brenda Landaverde-\$1,245.60; Samantha Mitchell-\$1,245.34; Debera Benton-\$1,320.00; Christy Abts-\$2,367.92; Melissa Collins-\$1,577.60; Joseph O'Neil-\$576.92; Karen Jimenez-\$1,569.60; Katherine Wiltgen-\$2,367.92; Louvontree Hunter-\$2,907.37; Debra Jensen-\$1,743.05; Casandra Pedroza-\$1,240.00; Kevin Hansen-\$1,890.00; Tammy Dunn Peterson-\$1,255.20; Shaun Bird-\$2,465.71; Russell Briggs-\$0.00; Sergio Castillo-\$2,658.77; Timothy Decker-\$2,672.26; Brian Ellinger-\$2,808.20; Penny Epting-\$2,627.52; Brian Fernau-\$2,930.45; Tyler Fulkerth-\$2,991.79; Brent Gilster-\$2,673.32; Martin Guerrero-\$2,582.89; Melvin

Harrison III-\$2,733.26; Jason James-\$2,652.65; Douglas Johnson-\$2,412.78; Kimberly Johnson-\$0.00; Jared Junge-\$2,842.32; Christopher Kleinberg-\$2,583.09; Gregory Nyhof-\$2,459.73; Mardi Schnee-\$1,132.12; Ryne Sell-\$0.00; Sarah Hammond-\$2,178.85; Shantel Krull-\$965.63; Debra Schmiedt-\$3,476.65; Kimberly Watson-\$3,697.27; Emma Wiebelhaus-\$1,236.00; Jacob Acero-\$1,871.08; Angelica Antonio Flores-\$1,797.12; Shaelee Barreras-\$0.00; Rebecca Broer-\$1,845.35; Kacie Brown-\$1,730.00; Lacey Clark-\$1,918.44; Elisabet DeRoin-\$2,416.60; Jesse Doelle-\$1,664.00; Karina Flores\$1,528.80; Jonathan Gray-\$1,927.98; Sara Gritten-\$1,909.44; Kara Groetken-\$2,065.90; Todd Hammer-\$2,239.38; Adam Hough-\$1,861.92; Brenda Irwin-\$1,856.08; Brandon Long-\$1,768.20; Jose Magana-\$1,819.80; Jennifer Marquez-\$492.04; Jacob McCollum-\$1,797.12; Skyler Miner-\$2,077.04; Keaton Mueller-\$1,659.00; Mark Nelson-\$1,907.00; Kelsey O'Neill\$982.80; Zoey Olson-\$2,057.13; Jose Perez\$1,528.80; Kimberly Peterson-\$2,121.60; Michele Rohde-\$1,456.00; Jonathan Romo-Rodriguez-\$1,930.44; Rebecca Schoep-\$1,961.04; Logan Schreier-\$1,638.00; Jennifer Svendsen-\$2,474.24; Estrella Vazquez-\$2,025.72; Randall Walsh-\$2,412.84; Deanna Hagberg-\$2,020.14; Jolene Gubbels-\$1,854.34; Jana Adam-\$1,416.25; Yvette Aldana-\$1,521.57; Theresa Grove-\$2,269.23; Courtney Swick-\$1,666.50; Jacqueline Traum-\$1,464.67; Ruth Gillaspie-\$0.00; Willard Johnston-\$2,084.86; **General Fund Employee:** Federal Tax-\$12,543.88; State Tax-\$6,147.50; Soc Sec-\$9,992.25; Medicare-\$2,336.90; Extra Fit-\$1,201.00; Extra Sit-\$135.00; Retirement-\$7,857.58; Health Plan-\$2,600.00; Dental Plan-\$441.00; Colonial Health-\$219.59; Sheriff Union Dues-\$405.00; Colonial Life/Disability-\$54.00; Deferred Comp-\$670.00; Garnishments-\$1,178.57; Flex Plan Medical-\$948.41; VSP Vision Prem-\$419.03; Legal Shield-\$112.14; Liberty Nat'l Pretax-\$91.31; VSP Vision Base-\$75.77; **Road Fund Employer:** Gross Salaries-\$18,120.74; Net Pay-\$12,921.62; Retirement-\$1,223.17; Total FICA-\$1,331.93; Health Plan-\$5,500.00; Dental Plan-\$165.00; Life Insurance-\$27.16; Brent Byroad-\$1,923.20; Ryan Chambers-\$1,613.60; Paul Jerome Conley-\$1,521.60; Robert Hacker-\$1,637.60; Lance Jacobsen-\$1,601.60; David Kneifl-\$1,613.60; Kimon Litras-\$1,741.60; Dean Pallas-\$1,625.60; Tyler Pallas-\$1,601.60; Wilbur Peters II-\$1,639.14; Jared Vedral-\$1,601.60; **Road Fund Employee:** Federal Tax-\$1,274.68; State Tax-\$601.17; FICA-\$1,079.48; Medicare-\$252.45; Retirement-\$815.41; Health Plan-\$550.00; Dental Plan-\$84.00; Colonial Health-\$38.23; Garnishments-\$208.62; Road Union Dues-\$200.00; VSP Vision Prem-\$15.66; Legal Shield-\$18.44; Liberty National PreTax-\$35.24; Liberty National-\$0.00; VSP Vision Base-\$25.74; **Health Planning Grant Employer 2502:** Gross Salaries-\$1,577.60; Net Pay-\$1,132.55; Retirement-\$106.49; Total FICA-\$110.23; Health Plan-\$500.00; Dental Plan-\$15.00; Life Insurance-\$2.55; Jennifer Ankerstjerne-\$1,577.60; **Health Planning Grant Employee 2502:** Federal Tax-\$70.46; State Tax-\$34.76; FICA-\$89.34; Medicare-\$20.89; Extra Sit-\$5.00; Retirement-\$70.99; Dental Plan-\$21.00; Flex Plan Medical-\$100.00; VSP Vision Prem-\$15.66; Legal Shield-\$16.95; **Health Planning Grant Employer 2504:** Gross Salaries-\$1,543.20; Net Pay-\$1,201.30; Retirement-\$104.17; Total FICA-\$116.07; Health Plan-\$500.00; Dental Plan-\$15.00; Life Insurance-\$2.55; Mohamud Ibrahim-\$0.00; Yesica Saldana Cisneros-\$1,543.20; **Health Planning Grant Employee 2504:** Federal Tax-\$86.23; State Tax-\$44.28; FICA-\$94.07; Medicare-\$22.00; Retirement-\$69.44; Dental Plan-\$21.00; VSP Vision-\$4.89; **Juvenile Services Aid Employer 2507:** Gross Salaries-\$1,252.80; Net Pay-\$709.17; Retirement-\$84.56; Total FICA-\$67.46; Health Plan-\$500.00; Dental Plan-\$15.00; Life Insurance-\$2.55; Sarah Anderson Deck-\$1,252.80; **Juvenile Services Aid Employee 2507:** Federal Tax-\$32.54; State Tax-\$16.25; FICA-\$54.67; Medicare-\$12.79; Retirement-\$56.38; Health Plan-\$350.00; Dental Plan-\$21.00.

Jolene Gubbels, Highway Superintendent, presented the following bids: Dixon Path overlay project- (1) Frank's Asphalt- \$33,225; (2) Barkley Asphalt Inc- \$34,650; (3) Knife River Midwest- \$42,840 and Gateway Patching project- (1) Frank's Asphalt- \$19,675; (2) Barkley Asphalt Inc- \$15,750; (3) Knife River Midwest- \$37,350. Commissioner Love moved, seconded by Commissioner Albenesius, to approve and award Barkley Asphalt Inc the Gateway Patching project for \$15,750 and Frank's Asphalt the Dixon Path overlay project for \$33,225. ROLL CALL VOTE: Gill- yes, Albenesius- yes, Launsby- yes, Giese- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Jolene Gubbels, Highway Superintendent read the Road Report for May 29 – June 11, 2022. Total road maintenance- 271 hours; overtime- 1.25 hours; tree/debris removal- 6 hours; Wachter bridge maintenance- 13 hours; culvert/road projects: Wagle Creek-8.5 hours, 143<sup>rd</sup> Street- 33 hours; garbage pickup- 2 hours; gravel hauling- 80 hours; total tons of gravel hauled- 1664; sign repair/barricading- 16.5 hours. Grading concerns: E Sarpy, W Sarpy, 140<sup>th</sup> Street. Gravel concerns: Knox Blvd. Commissioner Albenesius asked the status of M Avenue bridge embankment repair project.

Jolene Gubbels, Highway Superintendent, requested the Board purchase a John Deere motor grader on state bid for the cost of \$385,836 as the cost is expected to increase 10.5% after June 22<sup>nd</sup>. The purchase includes a full 7-year warranty (7000 hours). The delivery will be early 2023. The grader being replaced will be sold on Big Iron. Chair Giese moved, seconded by Commissioner Love, to approve the purchase of a John Deere motor grader for the state-bid cost of \$385,836 payable in 2022-23 budget which will reflect a savings of approximately \$35,000. ROLL CALL VOTE: Albenesius- yes, Launsby- yes, Giese- yes, Love- yes, Gill- yes. UNANIMOUS MOTION CARRIED.

Commissioner Albenesius asked Jolene about the V-plow inventory. Commissioner Gill asked how many grader operators and graders the Road Department has and clarified the Road Department will not be without a grader for an operator.

May Jail Report was not read but was submitted as follows:

May (Average per day):

|                |                 |           |                |
|----------------|-----------------|-----------|----------------|
| County Inmates | Federal Inmates | Juveniles | Total-In-House |
| 81             | 21              | .06       | 102            |

2022 Calendar (Average per day):

|                |                 |           |                |
|----------------|-----------------|-----------|----------------|
| County Inmates | Federal Inmates | Juveniles | Total-In-House |
| 79             | 23              | 0.19      | 102            |

2021-2022 Fiscal (Average per day):

|                |                 |           |                |
|----------------|-----------------|-----------|----------------|
| County Inmates | Federal Inmates | Juvenil7s | Total-In-House |
| 82             | 21              | 0.13      | 103            |

Federal Income

|                |              |                  |              |
|----------------|--------------|------------------|--------------|
| May Marshal    | \$ 52,901.06 | Fiscal Marshals: | \$570,559.65 |
| May ICE:       | 790.57       | Fiscal ICE:      | 3,670.57     |
| May OMMS/SDMS: | .00          | Fiscal BIA/OMMS: | 65.00        |
| May Federal:   | \$53,691.63  | Fiscal Federal:  | \$574,295.22 |

2022 Calendar Federal: \$288,631.60

May County Contracts: \$1,595.00      2021-22 Fiscal County Contracts: \$1,815.00

March Phone/Commissary Commission: \$11,725.44

Cost Per Inmate Per Day 2022:

|            |            |            |            |            |            |            |            |             |            |            |            |
|------------|------------|------------|------------|------------|------------|------------|------------|-------------|------------|------------|------------|
| <u>Jan</u> | <u>Feb</u> | <u>Mar</u> | <u>Apr</u> | <u>May</u> | <u>Jun</u> | <u>Jul</u> | <u>Aug</u> | <u>Sept</u> | <u>Oct</u> | <u>Nov</u> | <u>Dec</u> |
| 69.78      | 81.52      | 66.26      | 66.74      | 62.07      |            |            |            |             |            |            |            |

The jail spent \$198,882.90 for the month of May—83% of yearly budget or ,9% under fiscal year budget. In May 2021, the jail had spent 85% of yearly budget. The Jail spent \$40,680.49 less than was allotted for May 2022 budget or 17% under budget for the month.

May Bookings:

|             |          |                |          |
|-------------|----------|----------------|----------|
| DCSO:       | 58       | DAKOTA COUNTY: | 41       |
| S SCPD:     | 27       | OTHER NE:      | 25       |
| NSP:        | 9        | SIOUX CITY:    | 18       |
| COURT/SELF: | 1        | OTHER IA:      | 7        |
| FED:        | 7        | OTHER STATES:  | 10       |
| OTHER:      | <u>0</u> | HOMELESS:      | <u>1</u> |
| TOTAL:      | 102      | TOTAL:         | 102      |

Commissioner Love moved, seconded by Commissioner Launsby, to renew the Managed Services Agreement with Riverside Technologies, Inc (RTI) as the counties IT provider effective for the period of three (3) years from July 1, 2022, to June 30, 2025, and amend the Fees and Payment Schedule paragraph removing the verbiage that service will be suspended if payment not received within 30 days and a 10% penalty assessed. ROLL CALL VOTE: Launsby- yes, Giese- yes, Love- yes, Gill- yes, Albenesius- yes. UNANIMOUS MOTION CARRIED.

Discussion was had. Commissioner Love moved, seconded by Commissioner Launsby, to approve Deanna Hagberg, Emergency Manager, to move her office from the courthouse to the Law Enforcement Center (LEC). ROLL CALL VOTE: Giese- yes, Love- yes, Gill- yes, Albenesius- yes, Launsby- yes. UNANIMOUS MOTION CARRIED.

Discussion was had regarding the modified Federal Marshals contract which (1) extends the proposed 85 guaranteed USMS beds at the Dakota County Jail at \$150/day from 30 to 40 months. The USMS would pay for the 85 beds per month regardless of whether they are filled or not. After the loan is repaid in full by the County (including interest) or after 40 months have passed (whichever comes first), the rate will be reduced to \$80/day unless a new rate has been negotiated and approved by the government. (2) The effective date of the \$150 per diem rate is from [to be filled in after all inspections have been completed] and will expire on [to be filled in after all inspections have been completed] or at the time the County certified that the loan has been satisfied. Chair Giese called for discussion. Chief Deputy Tim Decker stated the USMS has reassured him that they will house 100+ inmates even though the contract guarantees 85. The current jail holds 140 but 128 is full in order to keep the required open bed space for unforeseen emergencies. The new jail addition will house 108 to 112. Clerk Spencer shared the following figures: (1) 85 inmates x \$150/day x 40 months = \$15,504,000; (2) 110 inmates x \$150/day x 40 months = \$20,064,000; (3) 115 inmates x \$150/day x 40 months = \$20,976,000; (4) 135 inmates x \$150/day x 40 months = \$24,624,000. The interest rate for the estimated bond of \$14,500,000 is expected to increase from 2.2% to 4.4% TIC [Total P+I from \$16,449,429.67 to \$18,435,128.47 = increase of \$1,985,698.80]. Commissioner Albenesius stated his fear was no guarantee of inmates past the 40 months and their option to pull out with 120 days' notice. Commissioner Gill stated there is no excess cash flow with the guaranteed 85 inmates—all monies will go towards debt with no profit for county budget. Commissioner Launsby asked who pays the loan when costs run over and if it is legal to approve building the jail without a vote of the people when the USMS contract does not cover the cost.

Commissioner Love moved, seconded by Chair Giese, to approve the modified US Marshal Service contract. Discussion was had. Commissioner Love stated no venture/no gain, and he was surprised the USMS has waited on this

board for approval as long as they have. The public hearing in January had the residents in support of the project. Commissioner Launsby asked County Attorney Watson if the bond could be approved without a vote of the people since the contract does not cash flow—Ms. Watson replied yes. Chair Giese commended the Sheriff for the proposed jail project as an anticipated \$1 million potential revenue source and asked the Board to take a leap of faith. Commissioner Love asked what the Board sees for the future with the current revenue source gone. Commissioner Gill thought the CAPS program would be a good option. Brandon Johnson, USMS Office, stated he currently is housing 140 inmates in 5 different states and always looking for places. Woodbury County is full and has expressed interest with new facility. ROLL CALL VOTE: Love- yes, Gill- no, Albenesius- no, Launsby- no, Giese- yes. MOTION FAILED.

Brett Langley, Civil Engineers & Constructors (CEC), discussed the M Avenue paving project with the Board and clarified the paving width as 24' with 4' gravel shoulders with some area inlets for surface drainage control. No bridge plans were available for CEC to plan how to tie into existing bridge deck. The speed limit will be posted at 20 MPH per steepness increase but will still need 1.5 to 2' cut at the top of existing hills and driveway tie ins. The Board asked CEC to communicate the design to residents with driveways at the top of the hills. Iowa SUDAS Standards will be used as the general project guideline. CEC agreed the material costs would not be too much greater to have an 8" roadway section due to heavy truck traffic versus 7" roadway section. Radius at 203<sup>rd</sup> street was discussed. The project estimate is currently \$940,000 with estimated 8-10% engineering cost. The plan is to have the project ready to bid in November or December for spring 2023 letting—the project construction was estimated at 2-3 months and re-routing for residents was discussed.

ARPA project for courthouse keyless entry quotes were as follows: Anytime Lock & Key- \$25,500; Midwest Alarm- \$11,460; Thompson- \$19,556.67. Commissioner Love moved, seconded by Commissioner Gill, to award the keyless entry project to Midwest Alarm. ROLL CALL VOTE: Gill- yes, Albenesius- yes, Launsby- yes, Giese- yes, Love- yes. UNANIMOUS MOTION CARRIED.

Commissioner Gill expressed concern on broadband access for residents as ARPA funds were focused on that originally. The mono pole and Star Link options were discussed. Chair Giese said at the department head budget hearings he is asking for courthouse infrastructure project ideas also.

Commissioner Committee Reports- Commissioner Launsby was unable to contact Mr. Hansen on getting an invoice or cost for his new fencing. He also attended the Board Workshop and said there was emphasis on IT/cyber security, and he would like the county to pursue an HR service with Zell.

Mail and/or Emergency Business. The County received a certified letter from Big Fire Law & Policy Group LLP requesting the requirement of an Environmental Impact Study prior to the issuance of any permits to the Summit Carbon Solutions Pipeline and Navigator Heartland Greenway Carbon Pipeline. Jolene Gubbels who has been working with the pipeline companies through Planning & Zoning stated that Summit Carbon Solutions will do the required Environmental Impact Study and she will also confirm with Navigator.

Chair Giese adjourned the Board of Commissioners meeting of June 13, 2022, at 4:56 p.m.

Dakota County Board of Commissioners

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Robert J. Giese, Chair

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Joan Spencer, County Clerk/Board Secretary