

COMMISSIONERS RECORD BOOK P

DAKOTA COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 26, 2005 PROCEEDINGS
BASEMENT MEETING ROOM
COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Chair Engel called their meeting to order at 1:31 p.m.
Roll call was taken with the following members present:
Commissioners Miller, O'Neill, Engel, Bousquet and Ted Piepho, Secretary.
ABSENT: Commissioner Hartnett.

The agenda for the meeting was as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 26, 2005 AGENDA
COUNTY BOARD ROOM
DAKOTA COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

1. Call to Order - 1:30 p.m.
Roll Call
Pledge of Allegiance
Approve Minutes of September 19, 2005
2. 1:31 p.m. Robert Giese - Unpaid distress warrants report
3. 1:35 p.m. Jerry Johnson - Construction Manager for the Jail Project
Award Bids for various bid projects.
4. 2:15 p.m. Elliotte Saunders - Boat ramp at the end of County Road #37
5. Jackson East Project NH-20-7 Resolution & Agreement with State to relocate Ithaca Way.
Resolution 05C-028
6. Liquor License Application for Omaha Exposition & Racing, Inc dba Horsemen's Atokad Downs.
- The County may choose not to make a recommendation of approval or denial to the Liquor Control Commission or it may choose to hold a Public Hearing on the application.
7. Approve payroll claims if necessary
8. Misc. Items
Punctured tire in parking lot - individual wants reimbursement
Appoint negotiator for Knox Blvd.
Right of Way Permit -Knox Blvd
Officials Reports
9. Public Comment
9. Mail and/or Emergency Business
10. Adjourn

The board discussed recessing until Friday when Jerry Johnson and Steve Davis could talk with them to creatively cut the construction cost on the Jail Project.

Randy Walsh, Deputy Sheriff appeared before the board for Distress Warrant Collections and Robert Giese appeared concerning Distress Warrants. Robert Giese in a written report dated August 12, 2005, submitted it formally to the Dakota County Commissioners and that report was as follows:

August 12, 2005

Dakota County Commissioners
Dakota County Courthouse
Dakota City, Nebraska

The Dakota County Sheriff returned the 2004 Distress Warrants to the Dakota County Treasurer on August 12, 2005.

345 Distress Warrants issued: November 1, 2004 totaling \$151,243.97.

Of the 345 Distress Warrants:

268 are satisfied valued at \$122,382.20.
 additional interest was 4,162.10.
22 were sold at sheriffs sale
45 are to be stricken 14,320.66
7 remain unsatisfied 2,923.95
2 taken off by correction 15,779.45

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1 printed in error

He attached a list of the parcels the sheriff is recommending to strike and also attached was a list of the ones the sheriff sold.

Robert H. Giese
Dakota County Treasurer

Commissioner Engel moved, seconded by Commissioner Miller to strike the Distress Warrants as recommended by Deputy Walsh.
ROLL CALL VOTE: Miller- Yea, Bousquet- Yea, O'Neill- Yea, Hartnett- Absent, Engel- Yea,
UNANIMOUS MOTION CARRIED.

Commissioner Bousquet moved, seconded by Commissioner Engel to adopt Resolution 05C-028 that the County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached as part of Project No. NH-20-7(114) and that the County will be responsible for the operation and maintenance costs associated with the road after constructed as follows:

DAKOTA COUNTY BOARD OF COMMISSIONERS
RESOLUTION 05C-028

WHEREAS, the State has plans for the improvement of Highway US-20 east of Jackson, under Project No. NH-20-7(114), Jackson East, and

WHEREAS, the State desires, in the interest of public safety and convenience, to relocate Ithaca Way.

WHEREAS, the County desires the State's relocation of Ithaca Way under the designation of Project No. NH-20-7(114).

WHEREAS, the State will design and construct the road. The County will have no cost obligation for this work.

NOW THEREFORE BE IT RESOLVED, that the County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached as part of Project No. NH-20-7(114).

BE IT FURTHER RESOLVED, that the County will be responsible for the operation and maintenance costs associated with the road after constructed.

BE IT FURTHER RESOLVED, that the construction plans for Project No. NH-20-7(114), Jackson East, be incorporated into the agreement with the state.

AND FINALLY BE IT FURTHER RESOLVED, that this Resolution be attached, as Exhibit B to the Agreement with the State and that the Chairman be authorized to sign said agreement with the State.

Signed and approved by the Dakota County Board of Commissioners this 26th day of September, 2005 at Dakota City, Nebraska.

ATTEST:

William F. Engel
Chairperson, Dakota County Board
of Commissioners.

Theodore A. Piepho
Dakota County Clerk

SEAL

THREE (3) ORIGINALS

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

Commissioner Bousquet moved, seconded by Commissioner Miller to approve the agreement on PROJECT NO. NH-20-7(114), JACKSON EAST, STATE CONTROL NO. 31435 between the COUNTY OF DAKOTA and STATE OF NEBRASKA, DEPARTMENT OF ROADS, that the County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached, as part of Project No. NH-20-7(114) and reads as follows:

PROJECT NO. NH-20-7(114), STATE CONTROL NO. 31435
COUNTY OF DAKOTA
STATE OF NEBRASKA, DEPARTMENT OF ROADS
JACKSON EAST

THIS AGREEMENT, entered into between the County of Dakota, Nebraska, hereinafter referred to as the "County", and the State of Nebraska, Department of Roads, hereinafter referred to as the "State."

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WITNESSETH:

WHEREAS, the State has plans for the improvement of Highway US-20 east of Jackson, under Project No. NH-20-7(114), and

WHEREAS, the State desires, in the interest of public safety and convenience, to relocate Ithaca Way, as shown on Exhibit "A", attached hereto and hereby made a part of this Agreement.

WHEREAS, the County desires the State's relocation of Ithaca Way under the designation of Project No. NH-20-7(114), as evidenced by the Resolution of the County Board dated the 26 day of September, 2005, attached hereto, identified as Exhibit "B," and hereby made a part of this agreement.

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

SECTION 1: The County agrees with the State's plan to the relocation of Ithaca Way, as shown on Exhibit "A" attached, as part of Project No. NH-20-7(114).

SECTION 2: The State will design and construct the road. The County will have no cost obligation for this work.

SECTION 3: The County will be responsible for the operation and maintenance costs associated with the road.

SECTION 4: The construction plans for Project No. NH-20-7(114), Jackson East, are hereby incorporated into this agreement by this reference.

WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the County this 26th day of September, 2005 at Dakota City, Nebraska.

WITNESS:

COUNTY OF DAKOTA

Chairperson, County Board

Clerk

EXECUTED by the State this ____ day of _____, 2005.

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Roadway Design Engineer

RECOMMENDED:

District Engineer

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

The County Clerk mentioned to the County Board and Highway Supt. that the tube installed for a field entrance put in on Omaha Avenue in conjunction with the Bridge Replacement Project Number BRO7022(11) should be moved to the North directly across the road from where Wigle Creek Road will intersect Omaha Avenue after it is relocated. The reason he recommended this is for safety purposes and that being if someone is traveling East on Wigle Creek Road and they are not familiar with the road or miss the turn, they will simply go over the field entrance and would not be harmed rather than going off into a deep ditch.

The County Board considered whether to have a public hearing for Liquor Licenses when someone in the county makes application for a Liquor License. The County Clerk suggested that they do not because it is a mute point what the County Board does because they are only making a recommendation to the State Liquor Control Commission and they make the ultimate decision anyway. Commissioner Bousquet moved, seconded by Commissioner Miller to not make a recommendation of approval or denial to Liquor Licenses when applied for before the Liquor Control Commission.

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

The County Clerk brought up the issue of Odilon Dominguez requesting the County to pay for his tire. This is a situation where a signpost was partly laying in a parking stall and the tire was punctured as result of him driving on it.

Commissioner Miller moved, seconded by Commissioner Bousquet to deny that the county had any liability to Odilon Dominguez's punctured tire because the driver could see the post and the post is actually part of the Construction Company's used to secure the construction from the back or North parking lot.

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

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Commissioner Miller moved, seconded by Commissioner Bousquet to approve the Highway Right-Of-Way and Permit Application for Knox Blvd.

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

Commissioner O'Neill moved, seconded by Commissioner Miller to approve the minutes of September 19, 2005 as typed.

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

At 3:52 p.m., Chair Engel recessed their meeting until 9:00 a.m. Friday, September 30, 2005.

Payroll claims paid pursuant to the employee manual were as follows:

COUNTY GENERAL FUND: Gross salaries- \$87,821.17, General Fund Employees Net Pay- \$63,446.54, Employer deductions paid: Retirement- 5,540.49, Retirement Makeup- 34.44, Social Security Tax- 5,444.89, Medicare- 1,273.40, DC Health Plan-, DC Dental Plan-, Life Insurance-

Richard Bousquet- 495.95, William Engel- 520.95, Jackie Hartnett- 495.95, Pamela Miller- 495.95, Betty O'Neill- 495.95, Nanci Walsh- 2024.57, Daniel Christoffers- 378.80, Marisol Curiel- 320.00, Bobbi Jo Harsma- 920.00, Theodore Piepho- 1450.04, Joan Spencer- 1077.64, Darlene Davis- 990.40, Robert Giese- 1450.04, Ruth Gillaspie- 1314.42, Jolene Heinemann- 1049.97, Kimberly Kuehl- 980.06, Phyllis Ridge- 1087.52, Lyn Beltz- 170.00, Mark J. Dorcey- 556.29, Margaret Rahn- 1314.42, Daniel Christoffers- 378.80, Dennis Reinert- 192.31, Lynette Beermann- 1450.04, Michelle Criss- 787.85, Carol Dunham- 1055.94, Joe Flynn- 1914.16, Mary Gamble- 1200.98, Bryan Smith Jr- 1849.19, Dustin Kinsey- 804.80, Richard Jensen- 1536.05, Duane Kotalik- 1230.40, Tammy Dunn-Peterson- 803.69, Jeremy Bermel- 1871.36, Anthony Bos- 1446.30, Brad Claypool- 1363.67, Sandy Dickens- 1185.12, Brian Ellinger- 2212.45, Penny Epting- 1133.67, Todd Hammer- 1275.10, Melvin Harrison III- 1439.90, Rodney Herron- 1979.92, Kimberly Johnson- 555.94, Jared Junge- 1756.46, Michael Kreegar- 1390.87, Gayle Richards- 881.44, Kevin Rohde- 1547.00, James Wagner- 1813.63, Randall Walsh- 1529.45, Rita Chase- 1204.32, Amber Hegarty- 2042.29, Aimee Kennedy- 826.40, Edward Matney III- 2346.03, Debra Schmiedt- 2423.06, Bobbi Strong- 1018.76, Kimberly Watson- 1538.46, Amanda Jones- 1098.47, Rebecca Broer- 1414.00, Richard Criss- 1144.93, Eric Davis- 1220.38, Ronald Fink Jr.- 1108.25, John Gilles- 1060.00, Alma Gunderson- 1221.50, Paula Harrigfeld- 449.38, Brenda Harrison- 420.00, Cathy Harsma- 1164.38, Joseph Ramirez- 1007.00, Krystal Ramirez- 1128.13, Linda Schovanec- 1240.80, Randall Crombie- 115.39, Cynthia Purucker- 2839.08, Leon Pies- 550.80, Pamela DeVries- 1740.10, Gloria Dwyer- 1060.68, Patricia Glover- 1130.22, Alan Boyd- 1132.95.

GENERAL FUND: Employee withholding paid to: Federal- 9,038.61, State- 3,261.51, Social Security Tax- 5,444.89, Medicare- 1,273.40, Retirement- 3,762.85, Retirement Makeup- 24.44.

COUNTY ROAD PAYROLL: Gross salaries- \$12,996.95, Road Employees Net Pay- \$9,841.56, Employer deductions paid: Retirement- 786.45, DC Health Plan-, DC Dental Plan-, Life Insurance-, Social Security Tax- 805.81, Medicare- 188.47.

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- 1109.60, Arnold Mellick- 1113.60, Marlan Millard- 1113.60, Leon Pies- 550.80, William Rohde- 1346.15, James Swanson- 1101.60.

ROAD FUND: Employee withholding paid to: Federal- 1,152.02, State- 423.14, Social Security- 805.81, Medicare- 188.47, Retirement- 524.27, Deferred Comp.- 61.68, Aflac Health-, Aflac Life/Dsbl-.

COPS FAST GRANT: Gross salaries- 1,514.32, Cops Fast Employee Net Pay- 1,037.89, Employer deductions paid: Retirement- 117.36, Social Security- 93.89, Medicare- 21.96, Brent Gilster- 1514.32.

COPS FAST GRANT: Employee withholding paid to: Federal- 207.57, State- 69.72, Social Security- 93.89, Medicare- 21.96, Retirement- 83.29.

SSC CHAMBER OF COMMERCE: Lodging Tax- \$16,776.63

Chair Engel adjourned their meeting at 3:52 p.m.

DAKOTA COUNTY COMMISSIONERS

William F. Engel, Chair

ATTEST

Theodore A. Piepho, County Clerk

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DAKOTA COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 26, 2005 PROCEEDINGS
CONTINUED SEPTEMBER 30, 2005
BASEMENT MEETING ROOM
COUNTY COURTHOUSE
DAKOTA CITY, NEBRASKA

Board of Commissioners Proceedings on September 30, 2005 (continued from September 26, 2005 meeting)

Chairman Engel reconvened the meeting at 9:05 a.m.

Present: Commissioners Bill Engel, Pam Miller, Rick Bousquet, Betty O'Neill, and Jackie Hartnett. Also present: Nanci Walsh, Administrative Assistant acting as recording secretary; Steve Davis of HMN Architects; Jerry Johnson, Stan Wheelock and Darren of Johnson Construction; Terry of Architects; Sheriff Jim Wagner, Chief Deputy/Jail Administrator Rod Herron, and Sandy Dickens.

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to allow the Dakota County Treasurer to issue a cash advance to be submitted with the application to construct access for Knox Boulevard to the State of Nebraska. This application and payment was on the agenda and approved on Monday, September 26, 2005.

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

Discussion began on the bid packages for the jail. The first item discussed was the smooth concrete versus the sandblast. Steve Davis presented a sample of the smooth concrete. It was the consensus of the board that was fine.

Discussion was had on the deleting the canopy that is over the front door of the jail and to the east. This will not change the look from the south of the jail and will be a cost savings in several bid packages. It was the consensus of the board to delete this item.

The cells should be arriving sometime in November. They are currently being constructed and then will be loaded on approximately nine rail cars. It is at least three weeks to delivery once the railroad has the cars with the cells loaded. These are coming from Tindall Corporation from the Atlanta, Georgia area.

There will be a preconstruction meeting on Friday, September 30, 2005 at 1:30 p.m. in the county board meeting room for the next contractors.

There was a brief discussion on the manual versus electronic controls for the heating system.

Bid Packages 6, 8, and 9 were discussed.

Commissioner Miller moved, seconded by Commissioner Bousquet to approve the award of Bid Package 6 - Asphalt Concrete Paving/Base Course/Line Striping in the amount of \$1,800.00 to Brower Construction; Bid Package 8-Structural/Arch Precast Concrete w/ installation to Wells Concrete with the base bid of \$1,137,821 with changes as 1, 2, 3, 5, 6, 7 & 8; and Bid Package 9-Unit Masonry to B & S Masonry for \$262,336; and that Jerry Johnson would continue to work on additional value engineering with these vendors.

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

The Board discussed Bid Packages 12, 13, 15, 16, 17, and 18.

Commissioner Bousquet moved, seconded by Commissioner Engel, to award Bid Package 12 to Chief Industries for the Detention Equipment in the amount of \$390,389 base bid less the value engineering of items 1- 4 as listed on the recommendations; Bid Package 15 to Winkler Roofing for the Roofing and Sheetmetal work in the base bid amount of \$147,893 less items 1-3 on the recommendations sheet and the further reduction for the savings from the canopy that has been deleted; Bid Package 14 to Quad States Caulking for the Firestop/Joint Sealants in the base bid amount of \$19,313; and Bid Package 18 for the Alum-Framed Entrances and Storefront to Modern Glass Company in the amount of \$18,600. And further moved and seconded to reject and rebid Bid Package 13 for the Engine Generator and Transfer Switch and to reject the bids for Bid Package 17 for the Overhead Coiling and Sectional Doors for which there were no bids.

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

Discussion was had on the next set of bid packages.

Commissioner Miller moved, seconded by Commissioner Bousquet, to approve Bid Package 19 for the Metal Studs and Gyp Drywall Assemblies to Jarco Builders in the base amount of \$132,500 with an adjustment to be made due the deletion of the canopy; Bid Package 20 for the Acoustical Ceilings to Jarco Builders in the base amount of \$43,400; Bid Package 21 for the Resilient Floor Tile, Sheet Vinyl and Carpet to Complete Floors in the amount of \$23,158; Bid Package 23 for the Painting to Miller Painting Inc. in the base bid amount of \$69,850; and Bid Package 24 for the Laundry Equipment to RJ Kool Company in the base bid amount of \$13,255; Bid Package 26 for the plumbing to Hander Inc. Plumbing and Heating for a base bid of \$323,400 less items 1, 3, 4, 6, 7, 8 and adding the alternate

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water softner. And to further reject and not rebid package 22 for Epoxy Resinous Floor System (there were no bids) and to reject Bid Package 25 for the food service equipment.

ROLL CALL VOTE: O'Neill-Yea except Bid Package 21 which is Nay; Hartnett-Yea; Engel-Yea except abstain on Bid Package 21; Miller-Yea; and Bousquet-Yea. MOTION CARRIED

Commissioner Hartnett moved, seconded by Commissioner Miller, to approve Bid Package 27 for the Fire Protection in the base amount of \$108,500 to Total Fire Protection Inc.; Bid Package 28 HVAC to Interstate Mechanical with the base bid of \$297,120; Bid Package 29 Automatic Temperature Controls to Star Controls for the base bid of \$76,373; and that all of these are subject to further value engineering by Jerry Johnson.

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

Discussion was then had on Bid Package 30 the Electrical and Bid Package 31 the Security Electronics. After the discussion it was determined that the figures needed to be double checked. These items will be taken up again at the next board meeting.

Commissioner Hartnett moved, seconded by Commissioner Bousquet, to reject Bid Package 32 for the Elevator.

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

There was a brief discussion about the parking situation with Steve Davis. He recommended the board work with DGR the engineers on the jail project and save his fee, he will talk to DGR about what the Board suggested.

Chairman Engel adjourned the meeting at 11:20 a.m.

DAKOTA COUNTY COMMISSIONERS

William F. Engel, Chair

ATTEST

Theodore A. Piepho, County Clerk