Due to the recent COVID-19 Virus pandemic and the concern for the safety of all residents of Marshall County, IA, the Board of Supervisors' Public Meetings will now be available **LIVE** online beginning Tuesday, March 31, 2020 until further notice. There are 3 available options to view and/or participate in the public meetings listed below:

How to View and/or Participate in the Board of Supervisor's Public Meeting

Go to: Zoom for Participation	**Dial In By Phone**	**Go to: YouTube for comments during meeting**
Join Zoom Meeting https://us02web.zoom.us/j/87136221316?pwd=Q0lDeXVveHpLSVROa3lvRDVTcXhaQT09	1-312-626-6799 US Dial by your location Meeting ID: 871 3622 1316 If needed Passcode: 526957 If needed	Marshall County YouTube

Marshall County Board of Supervisors
Special Session May 14, 2021 at 9:05 a.m.
1 E MAIN ST, GRAND COURT ROOM AND VIA ZOOM
MINUTES

The Marshall County Board of Supervisors met in regular session according to the posted notices in the Grand Courtroom, 1 E Main Street, and via online ZOOM on May 14, 2021. Chair Thompson called the meeting to order at 9:05 a.m., and led the Pledge of Allegiance. Present: Chair David E Thompson, Vice Chair Bill Patten, Member Steve Salasek.

Salasek moved to adopt the agenda as printed, second by Patten. Roll call vote, motion carried 3-0.

Motion by Patten, second by Salasek, to **approve the hire of Mariah Bockes, Seasonal Temporary, Conservation Board**, $10.00/hr, start date 5/14/2021, end date 8/27/2021. Roll call vote, motion carried 3-0.

Motion by Salasek, second by Patten, to a**pprove the hire of Monica Carroll, Seasonal Temporary, Conservation Board**, $10.00/hr, start date 5/14/2021, end date 8/27/2021. Roll call vote, motion carried 3-0.

Courthouse Interior Project. The Supervisors discussed the timeline, progress and concerns of the Courthouse interior project with "First On Site," previously known as "Perfection," representatives David Heitman and Kevin Istas. There was no action taken by the board on this issue. A working copy of the meeting notes is available online with the posted minutes. The meeting can also be viewed on YouTube, video of the meeting link: https://youtu.be/ZBeeCTTjk-I

Public Forum. There were no public comments.

Adjournment. The next regular session is May 25, 2021, at 9:05 a.m. All business to be acted upon at that session should be submitted to the County Auditor and Recorder's Office or the Board of Supervisors' Office **Wednesday, May 19, 2021 at 12:00 p.m**. There being no further business to come before the Board, the meeting is adjourned at 10:45 a.m.

Dave Thompson, Chairman, Supervisors

Attest:

Nan Benson, Auditor and Recorder

Exhibit – Meeting working notes

Three members of the Supervisors Board met with First on Site representatives David Heitman and Kevin Istas. First on Site was previously known as "Perfection." Also present, Building & Grounds Supervisor Lucas Baedke, Information Technology Director James Nehring, Auditor/Record Nan Benson, to discuss issues with the interior rework of the Courthouse building following damage by the 2019 Tornado and 2020 Derecho.

Baedke provided background. Interior construction of the courthouse started late December 2020, early January 2021, progress has been made, but there have been hiccups. A pay application was requested for review prior to payment of invoices, which was received April 28. The original estimates had some gaps, most of them not a concern, but a few are concerning. The County issued GO essential purpose bonds earlier in 2021, borrowing $1.6M to fill in some gaps. The problem being the day the county approved the essential purpose bond, Baedke discovered the largest cost of the interior project, steel installation and masonry, were not in the original bid, but was listed on a time and material basis, but was not included in the estimates. Baedke reached out to Heitman and Istas for help. On 4/28 pay application (G701, G702, G703) were received. Baedke shared the paperwork with the board and displayed the information on the screen. There are three different "buckets" – owner cost, insurance for a code portion above what was previously settled on with EMC, insurance for the storm (derecho) portion.

The Structural steel install ($230,672.32) and the masonry work ($86,949.32), total cost of $317,621.64, is the main concern.

After the tornado, Perfection came in and said they've got it handled, the exterior work went smoothly. A decision was made to not publicly bid the interior part of the project to save months of construction, and since there was already a general contractor (GC) on site, it seemed a wonderful arrangement at the time. The problem is now there are an additional $458,286 for work not in the original estimate. If the county had done a public bid, and the GC were the low bid, the original estimate would have been accepted as a base bid. Since it wasn't publicly bid, the county and the GC need to determine how to handle the overage. This is just the owner portion and does not include the code portion.

Structural Steel install	$ 230,672.32
Masonry (floor and well penetrations)	$ 86,949.32
Doors	$ 44,198.70
Carpentry	$ 65,527.62
Flooring PCT (RR Tile)	$ 16,567.55
Flooring Terrazzo	$ 14,370.72
Total overage	$ 458,286.23

The steel and masonry estimate does not include labor, but includes additional damage found inside, during reconstruction. The masonry subcontractor (DiIrio Masonry) has been billing on a time and material (T&M) basis, but as reconstruction progressed and more repairs were found necessary as they opened up the interior walls, the county would like to have the mason convert from the T&M billing to a defined cost contract. The mason was hesitant to have a defined cost contract until the mason had determined the extent of the work required.

Heitman acknowledged there was a "booboo" on the cost estimate, with additional work and costs found after the interior demo was completed, and missing the original bid not by $0k but by $240K.

Thompson reminded the assembled of the litigious situation with EMC regarding responsibility of payment for code work performed after settlement of the payment, and asked the GC to help open the issue back up with EMC, since the GC was responsible for the overage.

Heitman advised setting up a not to exceed contract (reserve) amount to solidify the amounts due by the owner and EMC. The current code amount is at $1.344M. The Flooring (PCT) item, $75k, is not a code upgrade item, but owner responsibility, and is duplicated in the G703. Another item was missed, with an estimate of $23.K, with an actual quote of $120K.

The schedule has been delayed. The attorney area should have been completed so the attorneys and information technology department could occupy the 2nd floor on May 17.

Heitman acknowledged the mistake, stating they will work with the county to resolve construction issues and insurance related work. Work on the complex project needs to be approved by the County and EMC, Heitman asked how to best move forward on approvals.

Heitman stated "one of the things that we could do to help out is on our end.. on general conditions… to offset you .. that additional charge. We won't charge a markup on any of the item that we made a booboo on and we can offset our general conditions to offset the overall impact, and I can take a hard look at that and see how much I could peel off of this thing to offset this booboo.. that's fair and honest… You just made one other thing, I wanna just take a small tangent, approvals are any of these holdups coming from approvals from EMC, we have a two-sided thing here we do.. we've been stalled on phase 28 and it's not all insurance fault, it's like the way they account for everything is in what called a proof of loss statement. It's one long spreadsheet, Nan's probably the only one that could figure it out I have a CFO that's pretty smart too, and it has 6,000 line items…"

Thompson asked if it's EMC not approving changes for additional work. Heitman explained it's more than that, with the derecho throwing a wrench in the industry, affecting cost and timing. Phase 28 had new work and that's what is holding up progress, getting it priced out and approvals by EMC on the interior, which will be resubmitted, as EMC will be paying for quite a bit of the work. Heitman has already talked to EMC about it. There was some confusion with EMC about the new work, and they are still working with EMC. The GC will resubmit and clarify the wording so it is not considered as recoverable depreciation. This is on hold until "28" is reconciled, as well as is 29, 30, 31, 32, as they are trying to get pricing to resubmit. The resubmit is pending agreement with the County on the new work, and determine the new total reserve on the job, and determine what additional items need to be completed and then determine the percent of completion.

The GC asked how to move forward on the steel and masonry, to get the shoring out and get the other trades back in. The GC has written change orders on all the T&Ms, the county has wired money to Ciro Diiorio Masonry, who had stopped work for two weeks or so due to non-payment. ASI#25, for hooking up the emergency generator for the server room and elevator took 3-4 weeks which shut work down on that area, once resolved, will open the GC schedule back up.

Benson asked if the contract for the $60k was signed for the change order on the February invoices. GC was unsure of the status, GC is asking for direction from the county for resolution from the T&M moving forward, and EMC needs to also provide direction to the county for the additional work required. The steel work is changing from a T&M basis to fixed contract amount, a lump sum. Both EMC and the county need to agree and provide direction to the GC.

Heitman clarified the GC needed to meet with the county first to receive direction from the county, and then EMC will be contacted (Nino) for a meeting and have numbers ready for approval. Heitman stated he was frustrated with EMC representative refusing to see any new information until the phases were updated, even knowing the project was at a standstill. The GC goal is get an agreement and understanding from the county and EMC to move forward, having been frustrated with all of the approvals do not go through the BOS, but they go through Nino/EMC, to approval all of the bids.

Thompson also expressed frustration, explaining the BOS is taking the heat and blame for the project, without being the "conductor nor the engineer" of the train leaving the tracks. The project should not be stalled, and contractors should be on job site.

The group agreed on a new contract change order format, and that a binding contract between the GC and the county was necessary and beneficial. The contract should also include a schedule for completion.

Salasek asked what the GC relationship is with EMC. Heitman explained the GC is a preferred vendor because they do a lot or work for them, and other insurance companies all over the country. The GC works for the county, EMC pays the bill, and the GC has to coordinate and get approval from EMC on their side.

Baedke discussed the schedule. The original schedule for phase one, the east half of first floor and all of second floor, is a ten week schedule, with having lost 2 weeks with zero work, additional work being discovered, a new schedule presented with 18 weeks. Instead of mid May completion, looking at mid September, beginning with a start date of possibly May 24. GC explained the approval process is much slower than anticipated with unforeseen conditions, including the shoring for the 2nd floor attorney space complicated phase 1.

Heitman asked if the county can do anything to expedite approvals. The board is amenable to having special board meetings to consider change orders. Phase 2 may not be completed until the end of the year.

GC will submit a change order (CO) in the new format for the board and to EMC, and after approval, can then issue change order work for subcontractors.

The county and GC will catch up on the paperwork (ASIs, COs) and approvals, get a contract in place, and work on a contract with Ciro Diiorio Masonry and generator issue. The GC is expectant that will help them move forward with framing and wiring. The GC will also rework the pay application to take out the 12% contractor overhead and profit, as well as the extended general conditions. Heitman asked for more consistent meetings with the BOS and Nino/EMC to resolve issues, track progress and complete the project.

Patten asked that the progress meetings be public, as it assists the approval process with all three supervisors receiving the same information at the same time. The GC was amenable.

The major issues having been discussed, the group discussed signage and additional owner responsibilities, not just the code requirements that the GC has held.

Other project issues include lack of supervision on job site, water leaking, interior trash cans not being emptied or property used. GC agreed supervision will be upgraded, with another individual on site. Baedke asked for an organization chart to be placed around the job site to ensure workers knew how to contact persons in charge, and that the GC office space on site be utilized only for the county project. .

Baedke, Benson and Nehring lead the discussion damage to election equipment (40 printers) and the equipment ($130k-$150k) in the server room due to lack of protection from the dust. Historic books and a copier also received significant dust damage. A recovery company is currently inspecting the electronic equipment for damage. The GC acknowledge plastic sheeting, cardboard and duct tape is not acceptable dust control.

Recap of needs:

Contract with Ciiro Diirio Masonry; GC needs authorization for $230K for BOS and $196K for EMC.

Revised agreement with EMC for new reserve, additional $94K, plus additional code items.

GC to remove 12% markup, to cover spreadsheet errors, about $197,952.00, relating to steel installation.

GC to receive county approvals for all the pending change orders.

GC to receive EMC approvals for all the pending change orders.

GC & County contract, work with Jordan and OPN/Architect.

Air handling - $17,920 move to EMC responsibility.

Utilize new Change order format.

Server room and election equipment damage recovery.