

Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 17, 2018 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 17, 2018, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Luettel called the meeting to order and Commissioners present for roll call were Ken Luettel, Alan Rasmussen and Hilary K. Maricle. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Luettel acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

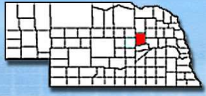
Motion made by Luettel, second by Maricle to approve the County Board Proceedings of September 10, 2018 as presented. Roll call vote: Yeas: Luettel and Maricle. Nays: None. Abstain: Rasmussen. Motion carried.

The County Highway Superintendent asked for the County Road Department employees to be on the Board agenda in regard to further explanation to their questions of the County Employee Handbook changes that were approved by the Board in June 2018. County Road employees in attendance were Stacey Ziemba, Highway Superintendent, Tom Buettner, Steve Rasmussen, Jamie Smith, and Russell Zarek. In addition, Ben Rutten, Steve Pritchard, Denny Johnson, Darla McIntosh, Mary Ziemba, Rod Nelson, and Pam Jochum joined in on the handbook question/answer discussion. The significant change is the replacement of the Longevity Pay benefit that has been in place since 1979 being changed to a yearly employee performance evaluation Merit Based Pay benefit. The road employee's questions were heard and answered during this portion of the agenda in regard to handbook policies. The handbook policies discussion continued later in the Board meeting with agenda item number seventeen.

Tanya Sharp, Boone County Health Center President & CEO, and Rita Liss, Boone County Health Center CFO, presented the Boone County Health Center statement of operations budget for their fiscal year October 1, 2018 through September 30, 2019 to the Board. Sharp reviewed the budget with the Board and explained that areas of the anticipated operating revenue of \$35,548,552.00, with expenses of \$33,739,837.00, leaving a projected margin of \$1,808,715.00. Motion made by Maricle, second by Rasmussen to accept the Boone County Health Center 2018-2019 operations budget as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Sharp updated the Board in regard to an anticipated health center building project. The anticipated health center new clinic building project would be adjacent to the south of the present health center clinic area. Sharp plans to file an Application with the City of Albion to request the vacation of the west half of Fuller Street between 7th and 8th Streets, Albion, Nebraska. In addition, Sharp asked the Board to sign the Application due to the County is a property owner along Fuller Street. Motion made by Luettel, second by Maricle to approve and sign the Application request to the City of Albion Planning Commission for vacation of the west half of Fuller Street between 7th and 8th Streets, Albion, Nebraska for an anticipated Boone County Health Center new clinic building project as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent updated the Board regarding road/bridge maintenance, materials and bridge/culvert projects.



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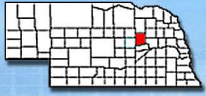
The Board and Highway Superintendent discussed different types of heating sources for the County Road shop building located at Cedar Rapids on August 27, 2018. The Board suggested that the Highway Superintendent advertise for quotes for propane forced air heat systems and propane radiant heat systems in order to compare the differences before installing a new heat system in the shop building. The County Highway Superintendent advertised for bids for a propane heating system for County Road Shop District #1, Cedar Rapids. The Highway Superintendent received two estimates/quotes: Stephens Electric & Supply, Inc. of Saint Edward, Nebraska - \$4,054.01 with 5 year warranty; Heatec, Inc. of Lincoln, Nebraska - \$2,800.00 with 10 year warranty. Following discussion of the differences between the quotes and warranties the Board suggested that the Highway Superintendent contact the representatives of the estimates/quotes and ask them to attend the September 26, 2018 Board meeting. The Board would like the representatives to explain their estimated/quoted heating systems in order to compare any differences. Motion made by Luettel, second by Rasmussen to table a decision to Wednesday, September 26, 2018 of the heating source for the Boone County Road shop building located at Cedar Rapids. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., County Highway Superintendent and the Board discussed and reviewed construction plans for Bridge Project No. C-6 (391), Albion East on August 13, 2018. The construction bid letting was advertised to open sealed bids on Monday, September 10, 2018. The Board approved Addendum No. 1 on September 10, 2018 to change the construction bid letting for Bridge Project No. C-6 (391), Albion East, with said sealed bids to be opened at 10:45 a.m. on Monday, September 17, 2018. Three sealed bids for said bridge project were received: A & R Construction Co. of Plainview, NE - \$130,880.02, start date July 2019; M.E. Collins Contracting Co., Inc. of Wahoo, NE - \$138,295.16, start date April 2019; and Starostka Group Unlimited, Inc. of Grand Island, NE - \$166,131.43, start date October 2018. The three contractors that submitted bids were represented at the meeting. The Board, Highway Superintendent and McDonald reviewed and discussed the bids. McDonald said that the difference in the bid start dates was not a problem due to the loaded weight of said bridge is posted. Upon completion of the bridge project the County may be responsible for the seeding and erosion control. Motion made by Maricle, second by Luettel to accept and recommend approval of the A & R Construction Co. of Plainview, Nebraska bid for \$130,880.02, dependent upon full review of numbers in Group 1 and 4 as presented. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

The Boone County Highway Superintendent prepared and presented a resolution for the Board to review in regard to a Low Water Crossing. The plan is to replace the wooden bridge on 310th Avenue between the Northwest Quarter of Section 27 and the Northeast Quarter of Section 28, all in Township 21 North, Range 5 West, of the 6th P.M., Boone County, Nebraska, with a Low Water Crossing. Motion made by Rasmussen, second by Maricle to approve Resolution No. 2018-30, replacing a wooden bridge on 310th Avenue with a Low Water Crossing located between Sections 27 and 28, Township 21 North, Range 5 West, of the 6th P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

The 2018-2019 County Budget public hearing for the County of Boone, Nebraska was held at 10:00 A.M. on September 17, 2018. Motion made by Rasmussen, second by Luettel to approve exceeding the 2.5% lid limitation on restricted funds by an additional 1% budget authority growth for fiscal year 2018-2019. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to set a Board of Equalization meeting to be held on Tuesday, October 9, 2018 at 11:00 A.M. to set the 2018 tax year levies. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.



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Andy Devine, Albion City Administrator, submitted an Interlocal Agreement for the Board to review between the County of Boone and City of Albion. The City of Albion requires a Street Superintendent and desires the Street Superintendent to be licensed with the State of Nebraska. Stacey L. (Robinson) Ziemba is a Class B Licensed County Highway Superintendent, a licensed Street Superintendent and a full time employee for the County of Boone. The County Highway Superintendent is a full time salaried employee of Boone County and City of Albion desires to remit payment directly to Boone County on a monthly basis for each month of this agreement. All parties on an annual basis shall review the Interlocal Agreement. Motion made by Maricle, second by Rasmussen to approve and authorize the Board Chairman to sign Resolution No. 2018-31 an Interlocal Agreement between the County of Boone and City of Albion for licensed Highway and Street Superintendent services in effect for one year commencing on January 1, 2019 as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The County Budget Act (State Statute Section 23-904) requires a budget message to be completed by the budget making authority outlining the fiscal policy for the budget period. The budget message must include a list of all cash amounts being held by officials that do not appear in the County Treasurer's Office six month balance reports. The Board has approved and authorized accounts within County Offices to receive and disburse fees, etc. Some of the accounts balance to zero and some accounts have a beginning balance. Motion made by Maricle, second by Luettel to approve Resolution No. 2018-32, authorizing the accounts within County Offices as stated in the resolution. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

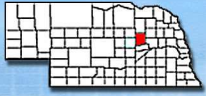
Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Boone passes by a majority vote a resolution setting the tax request at a different amount. The Governing Body of the County of Boone, by a majority vote by the Boone County Board of Commissioners, resolves that: the 2018-2019 property tax request be set at \$3,679,011.00, which is different from the 2017-2018 property tax request of \$3,606,824.00; and the 2018 county tax rate is at 0.153638, which is different from the 2017 tax rate of 0.150708. Motion made by Luettel, second by Maricle to approve Resolution No. 2018-33 at the September 17, 2018 public hearing to adopt and approve the County Budget for 2018-2019 as published and presented with the above property tax requests. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Commissioner Alan Rasmussen excused himself from said Board meeting at 11:30 A.M.

The County Road Department has surplus property to sell. Motion made by Luettel, second by Maricle to advertise in the four county legal newspapers the Boone County Road Departments surplus property and accept sealed bids to be opened on October 9, 2018. Roll call vote: Yeas: Luettel and Maricle. Nays: None. Absent: Rasmussen. Motion carried.

The Board discussed installation of a fence along the East property line of the County owned property known as the fairgrounds and leased cropland. Consensus of the Board is to move forward with the installation of some type of fence along the East property line of the County owned property. The Board plans to visit with the City of Albion to discuss any regulations in regard to type of fence, permits, etc. that may be required from the City of Albion due to the annexation of property into the city limits on the east side of the county fairgrounds property.

The Board, County Highway Superintendent, Brian McDonald of JEO Consulting Group, Inc., Tim Preister and Dan Preister discussed an engineering proposal for upgrading 0.6 miles of a minimum maintenance road on



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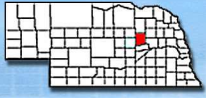
260th Street to an approved County road. The Board, Zoning Administrator and Preister's discussed the Zoning regulations and requirements regarding county road services to a residential dwelling on land that would be accessed off of a minimum maintenance road at the July 25, 2018 Board meeting. McDonald explained that the Nebraska Department of Roads regulations require involvement of a licensed engineer to provide hydraulic/hydrology studies before a decision can be made to reclassify a minimum maintenance road to a local county road. As it stands today the County Zoning regulations states that the burden of the cost to upgrade a county road from minimum maintenance to local, is on the individual who wants to build on land off of a classified minimum maintenance road, and said road upgrade needs to meet the Nebraska Department of Roads standards. McDonald presented a cost estimate of \$11,000.00 for engineering services and construction phase estimated of \$3,500.00. McDonald said that at some point a classification change would need to be requested from the Nebraska Department of Roads Classifications and Standards Board because this road is Minimum Maintenance and a residence cannot have its only access be a minimum maintenance roadway. During the discussion McDonald was asked if he had an estimate for the development of an approved County road. McDonald said he physically looked at the road and estimated development of the road could cost up to \$50,000.00 for dirt work and \$8,000.00 for culverts. Discussion was held on the following: current county zoning regulations state there is no residential structure to be built with an access from a minimum maintenance road; the burden of the cost to upgrade a county road from minimum maintenance to local, is on the individual who wants to build on land off of a classified minimum maintenance road; share the cost 50/50 between county and individual for road upgrade; or set a percentage share of cost between county and individual. The Board was reminded of setting a precedence when the regulations are not in black and white. The consensus of the Board is to find out how other counties handle these types of requests.

Denny Johnson, Sheriff, informed the Board that the Nance County Board of Supervisors met on Tuesday, September 11, 2018 and approved the merge of their 911 Communications with Boone County. Johnson proposed to Nance County an annual wage responsibility for two full time dispatcher employees of \$108,265.00 with an anticipation of an annual three percent cost of living raise each year. In addition, Johnson proposed a one-time initial payment for the new 911 System of \$30,000.00. Johnson and the Board reviewed and discussed the proposal that Nance County approved. Motion made by Maricle, second by Luettel to move forward with the Boone/Nance 911 Communications merger, the Boone and Nance County Sheriffs and Attorneys to prepare a three year Interlocal Agreement with a December 1, 2018 effective date. Roll call vote: Yeas: Maricle and Luettel. Nays: None. Absent: Rasmussen. Motion carried.

The County employees are directly responsible to an individual elected official or the County Board. Elected officials, in working with their employees, may develop different employment practices and policies than used by other offices. The different practices and policies can result in disharmony among the body of County employees. The Elected officials of Boone County adopted a Boone County Employee Handbook on June 13, 2016 and have approved revisions to the adopted 2016 Boone County Employee Handbook within the County Board Proceedings. The Board approved revisions to the Boone County Employee Handbook on June 27, 2018. The agenda item to approve the resolution that is signed by the elected officials, in regard to the June 27, 2018 handbook revisions, is the follow-up document that follows the review of the revisions by the NIRMA labor law attorney.

The Board; County Assessor, Clerk and Sheriff; Appointed Highway Superintendent, Zoning Administrator and Veteran Service Officer; UNL Extension Educator; Maintenance; and employees Darla McIntosh and Pam Jochum held a lengthy discussion in regard to the Boone County Employee Handbook revisions.

A benefit of merit based pay system for county employees to replace the benefit longevity pay system that has been in place since 1979 was approved on June 27, 2018. The lengthy discussion was the question about who would act as supervisor to determine merit pay for various departments with non-elected official and/or



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appointed department heads. The group decided that a chart would be drawn up to show who would make these final determinations of the merit based pay each year following the employee performance evaluation to be completed yearly in November.

In addition, the Courthouse Open policy during inclement weather was brought up for discussion. The current policy reads “Vacation leave will be deducted for employees unable to be present at work due to inclement weather, except that employees shall be required to use earned compensatory time before using vacation leave for inclement weather. If an employee’s vacation and compensatory time have been exhausted, then the absence will be without pay. In the event that a non-exempt employee does not arrive at the normal starting time, a pro-rated amount shall be deducted. The payroll time/attendance system will post comp/vacation time equivalent to a 40 hour work week”. Some employees feel that they should not have to use vacation time if the courthouse is open and their driveway or county road is not open for them to travel to work. The Board plans to review other county policies in regard to employee attendance when the courthouse is open to serve the public during inclement weather.

Motion made by Maricle, second by Luettel to table the approval of the resolution for the County Employee Handbook revision approved in June 2018 to the October 9, 2018 Board meeting. Roll call vote: Yeas: Maricle and Luettel. Nays: None. Absent: Rasmussen. Motion carried.

Public Comments:

- Lisa Langan, County Court, asked the Board about the repair(s) for the Rapiscan x-ray equipment that is used on court days that was discussed on September 10, 2018. A replacement battery has been ordered.
- Commissioner Luettel reported on the advisory committee meetings held September 10 and 12, 2018 for the construction of a new county owned building at the county fairgrounds.
- Commissioner Maricle reported on the Central Nebraska Joint Housing Authority board meeting.

Chairman Luettel declared the meeting adjourned at 1:55 P.M., with the next Board meeting scheduled for Wednesday, September 26, 2018.

Kathy Thorberg,
Boone County Clerk