

Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 13, 2018 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, November 13, 2018, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

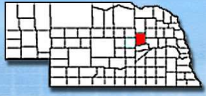
Chairman Luettel called the meeting to order and Commissioners present for roll call were Ken Luettel, Alan Rasmussen and Hilary K. Maricle. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Luettel acknowledged the agenda and noted that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

The Board did not receive tire quotes to review for the County Ambulance unit. Motion made by Maricle, second by Rasmussen to table the purchase of new tires for the County Ambulance unit to a future Board meeting. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 580 in the amount of \$362.65 submitted for reimbursement of meeting expenses. The Board approved the meeting expense reimbursements that included mileage, parking and the itemized receipts for meal expenses in accordance with the County Employee Handbook in the amount of \$198.84. The Board partially rejected payment of Vendor ID No. 580 in the amount of \$163.81, the County does not reimburse for meals without an itemized receipt and the portion of a meal that exceeds the set meal amounts per the 2018 Re-organizational Proceedings. Motion made by Luettel, second by Maricle to partially reject Vendor ID No. 580, the \$163.81 submitted for reimbursement of meals without itemized receipts and the portion of a breakfast receipt that exceeded the set limit in accordance with the County Employee Handbook and 2018 Board Re-organizational Proceedings. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 1785 in the amount of \$120.86 submitted for reimbursement of meeting expenses. The Board approved the meeting expense reimbursements that included mileage and the itemized receipts for meal expenses in accordance with the County Employee Handbook in the amount of \$86.08. The Board partially rejected payment of Vendor ID No. 1785 in the amount of \$34.78, the County does not reimburse for meals submitted for the day/evening travel before a meeting and mileage reimbursement is for the direct route from the courthouse to the meeting destination. Motion made by Luettel, second by Maricle to partially reject Vendor ID No. 1785, the \$16.14 submitted for meals for the day/evening travel before a meeting and \$18.64 the difference submitted for mileage in accordance with the County Employee Handbook. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$67,180.21; Road/Weed - \$128,662.08; County Visitors Promotion - \$400.00; Inheritance Tax - \$32,500.00; 911 Emergency Management (2910) - \$619.06; 911 Wireless Service (2913) - \$499.23; Ambulance - \$3,302.08. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.



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Motion made by Maricle, second by Rasmussen to approve an Accounts Payable Vendor Claim filed for payment on the Road fund for Vendor ID No. 801 in the amount of \$7,512.19, a non-exclusive contract for services to back-haul aggregate for the county. Roll call vote: Yeas: Maricle and Rasmussen. Nays: None. Abstain: Luettel. Motion carried.

The Board reviewed an Accounts Payable Vendor Claim request that was submitted by Vendor ID No. 182. The transaction request is referenced in Resolution No. 2013-60 and Resolution No. 2018-37. Motion made by Maricle, second by Rasmussen to approve the Vendor ID No. 182 request in the amount of \$30,000.00 payable from the County Inheritance Tax Fund. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Rasmussen to approve the County Board Proceedings of October 29, 2018 as presented. Roll call vote: Yeas: Luettel and Rasmussen. Nays: None. Abstain: Maricle. Motion carried.

Motion made by Rasmussen, second by Maricle to approve the following reports of the County Officials as presented for October 2018:

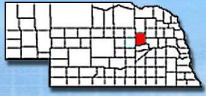
- Clerk - \$3,785.25 (State of Nebraska-\$1,265.29)(County of Boone-\$2,519.96)
- Clerk of the District Court - \$1,458.03 (State of Nebraska-\$1,110.00)(County of Boone-\$348.03)
- County Planning and Zoning - \$235.50
- Sheriff - \$1,427.70
- Treasurer - Treasurer's Fees - Zero; Miscellaneous Receipt Nos. 16636-16695 - \$379,910.16; Total Collections - \$756,601.69

Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Boone County Historical Society requested assistance to advertise the Big Give Open House and Carol Singing event at the Boone County Museum scheduled for November 30, 2018. Motion made by Rasmussen, second by Luettel to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report for the Board to review. There were ten distress warrants delivered to the Boone County Sheriff on November 1, 2018 for collection of unpaid 2017 personal property taxes. The amount of uncollected 2017 personal property taxes, not including penalties is \$7,200.37. The total to be collected on distress warrants, with penalties is \$7,545.15. Motion made by Luettel, second by Maricle to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

The State of Nebraska, Department of Roads needs the county board to designate the official county newspaper(s) in order to comply with the state statute when advertising their projects for bids in the county. The Cedar Rapids Press no longer has their legal status. The Albion News, Petersburg Press and St. Edward Advance are all owned by Jim and Julie Dickerson, Dickerson Newspapers, Inc. Motion made by Maricle, second by Rasmussen to designate the official county newspapers for 2019 to include the Albion News, Petersburg Press and The St. Edward Advance. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.



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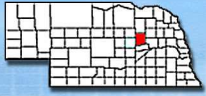
An annual certification of a County Highway Superintendent is due each year by December 31st to the Nebraska Department of Roads per Nebraska Revised Statutes §39-2501 through §39-2505. The performance of the duties listed in the certification determines federal highway allocation funds incentive payments. Motion made by Rasmussen, second by Maricle to approve and authorize the Board Chairman to sign the Certification for the Nebraska Department of Roads of Stacey L. Robinson, Boone County Highway Superintendent, for the calendar year 2018 as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

The First Concord Benefits Group submitted the Section 125 Cafeteria Plan re-enrollment forms for calendar year 2019 and Cafeteria Plan-IRC Section 125 key employees questionnaire/highly compensated employee forms for 2019. Motion made by Luettel, second by Maricle to approve and authorize the Board Chairman to sign all necessary documents regarding the Section 125 Cafeteria Plan re-enrollment and maintain the grace period plan for 2019. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

A request to install equipment for the Nebraska Statewide Radio System (SRS) on the new County Communications Tower located on the Boone County Fairgrounds was discussed on August 13, 2018. There is some spotty coverage in Boone County that the state has been discussing. SRS is a digitally encrypted system that allows cross-communication between agencies and improves radio coverage throughout rural counties. On September 10, 2018 the Board approved and authorized the Board Chairman to sign the Communications Tower and Shelter Facilities Agreement between Boone County, Nebraska and The State of Nebraska, Office of the Chief Information Officer. Mike Jeffres, State of Nebraska, Office of the Chief Information Officer, informed the County Sheriff and Clerk on September 17, 2018 that the State of Nebraska legal department wants to use a simpler revised agreement. Motion made by Maricle, second by Rasmussen to approve and authorize the Board Chairman to sign the revised Interlocal Cooperation Agreement/Tower Use Agreement between the Nebraska Office of the Chief Information Officer (OCIO), an agency of the State of Nebraska and Boone County, Nebraska, a political subdivision of the State of Nebraska and that the revised Interlocal Cooperation Agreement takes precedence/supersedes the Interlocal Agreement that was approved/signed by the Board on September 10, 2018 as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The Board approved to move forward with the Boone/Nance 911 Communications merger, with the Boone and Nance County Sheriffs and Attorneys to prepare a three year Interlocal Agreement at their September 17, 2018 Board meeting. Denny Johnson, Sheriff, and the Board have reviewed and discussed the Interlocal Agreement at several of the Board meetings. Johnson presented the Interlocal Cooperation Agreement that has been signed by Nance County for the Board to approve and sign. Motion made by Maricle, second by Rasmussen to approve and authorize the Board Chairman to sign the Interlocal Cooperation Agreement for Dispatching of Law Enforcement and Emergency Services between Boone County, Nebraska and Nance County, Nebraska as presented. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

The Counties of Boone, Butler, Merrick, Nance, Polk, Saunders, and the City of Columbus acting as the Platte County Public Safety Answering Point (PSAP) entered into an Interlocal Cooperation Agreement, East Central Region for 911 Emergency Communications Equipment Sharing on September 16, 2013. The Agreement created the East Central 911 Region (EC911), administered by the EC911 Governing Regional Committee. Hamilton County desires to become a party to the EC911 Agreement. Motion made by Luettel, second by Maricle to approve and authorize the Board Chairman to sign the Addendum to add Hamilton County to the Interlocal Cooperation Agreement East Central Region 911 Emergency Communication Equipment Sharing Agreement as submitted. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.



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The County Road Shop District #1, Cedar Rapids, Nebraska is in need of repairs and has been discussed at various Board meetings since October 25, 2017. The Board advertised for bids for the building of a 16' x 16' office/break room for the County Road Shop District #1, Cedar Rapids. The Board received a bid for the construction of an office/break room building from T & A Handyman, Cedar Rapids, Nebraska for approximately \$30,602.00. The bid does not include a restroom stool fixture. The Board asked the Highway Superintendent to contact T & A Handyman for a restroom stool fixture quote. The Board received a quote for painting of the office/break room building from Koziol Painting, Albion, Nebraska for \$895.00. Mary Ziemba, County Zoning Administrator, was present at the meeting to inform the Board that she plans to check the Floodplain area in conjunction with the location of the county shop. Motion made by Maricle, second by Rasmussen to approve the bids as received for construction of an office/break room building from T & A Handyman for approximately \$30,602.00 and painting from Koziol Painting for approximately \$895.00 for the County Road Shop District #1, Cedar Rapids. Roll call vote. Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

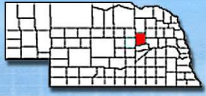
The Board in accordance with Nebraska Revised Statute §77-2318 approves the applications and authorizes the deposit of county funds in designated banks as County Depositories each year. Motion made by Maricle, second by Luettel to approve as written Resolution No. 2018-38 to accept and approve the written applications of the following designated County Depositories of the County Funds for calendar year 2019: Boone County Bank, a division of Madison County Bank, Albion; Cedar Rapids State Bank, Cedar Rapids; Cornerstone Bank, York and Albion and St. Edward Branches; First Bank & Trust of Fullerton, St. Edward Branch; Great Plains State Bank, Petersburg; Homestead Bank of Cozad, Albion Branch; and alternate investment NPAIT, Lincoln. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. 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. Due to prior lengthy discussions at Board meetings regarding the County FMLA policy, the following revisions/language clarification that was approved on June 27, 2018 were removed from the updated handbook pages until further clarification from labor law legal counsel:

- Pages 17 & 26 – The paragraphs where an employee not working/receiving compensation for a 40 hour work week within two pay periods each calendar year will be subject to paying 20% of their health insurance premium, etc.
- Page 22 - No employee shall be permitted to take leave without pay. Unpaid leave is when an employee qualifies for FMLA leave and all earned benefit leave (comp, sick, vacation) has been exhausted.
- Page 26 & Exhibit "I" - Unpaid leave is when an employee qualifies for FMLA leave and all earned benefit leave (comp, sick, vacation) has been exhausted.
- Page 28 & Exhibit "J" - Unpaid leave is when an employee qualifies for FMLA leave and all earned benefit leave (comp, sick, vacation) has been exhausted.

Motion made by Rasmussen, second by Maricle to approve and sign the Resolution No. 2018-39, the revised Boone County Employee Handbook changes that were approved on June 27, 2018 with the above mentioned exclusions to the revision language until further clarification regarding the County FMLA policy. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

The Board, Elected Officials and/or Department Heads present at the Board meeting discussed the following:



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- County Government Day is scheduled for November 14, 2018.
- Wellness Partners health screen that has been held in the spring the past years is appreciated and the group present would appreciate the Board scheduling a participation date in 2019.
- The group present was informed that Wells Drug is a participating pharmacy for flu vaccinations.
- An employee recognition meal the past years has been tried several different ways with some years of good employee participation and other years not so much. The sheriff's office suggested that the Board purchase either a ham or turkey for each employee for their holiday family meal. Following discussion the group decided on the purchase of a turkey for employees with the Board delivering a turkey to employees in December 2018.

Jack Nordeen, County Weed Superintendent/Sign Technician employee, discussed his personal concerns with the Board regarding the County FMLA policy and sick/vacation/comp policies on October 9, 2018. The Board asked Nordeen to type out all of his questions and concerns about employee policy for the County Clerk's office to forward to the labor law legal counsel for review on October 9, 2018. Nordeen's questions along with the Employee Handbook policy pages that he is questioning were emailed to Pam Bourne, Woods & Aitken, LLP, labor law legal counsel. Nordeen is saying that the County Employee Handbook FMLA policy in the handbook is not correct in accordance with the posted Family and Medical Leave Act. Motion made by Maricle, second by Luettel to ask Pam Bourne, Woods & Aitken, LLP, labor law legal counsel to have a representative at the Board meeting to discuss the FMLA policy issue on October 19, 2018. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

It shall also be the duty of the County Board of each county of this state to visit the jail of its county per Nebraska State Statute 47-109. The Board conducted a routine visit of the Boone County Jail per Nebraska State Statute.

Public Comments:

- Tanya Sharp, Boone County Health Center President/Chief Executive Officer, presented forms for the Board to sign in regard to the renewal of the licensee number 031001 for the Hospital Licensure.
- Stacey (Robinson) Ziemba, Boone County Highway Superintendent, updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects.
- Commissioner Luettel updated the Board in regard to the Petersburg Village Board meeting discussion of the alleys/trees following the survey of the County property located in Petersburg.
- Commissioner Maricle updated the Board in regard to the Region 44 Emergency Services Supervisory Committee meeting.
- Commissioner Maricle updated the Board in regard to the BCDA, Inc. meeting and activities. BCDA Executive Committee Member, Larry Temme of Petersburg, was present at the Board meeting.
- Commissioner Maricle updated the Board in regard to the Boone County Joint Planning Commission meeting.

Chairman Luettel declared the meeting adjourned at 1:00 P.M., with the next Board meeting scheduled for Monday, November 19, 2018.

Kathy Thorberg,
Boone County Clerk