



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 9, 2018 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 9, 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 Hilary K. Maricle, Alan Rasmussen and Ken Luettel. 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.

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. Nordeen feels that it is unfair that an employee's earned benefits of comp time, sick leave and vacation are to be exhausted before using the federal Family and Medical Leave Act (FMLA). Eligible employees are entitled to a maximum of 12 weeks of unpaid FMLA leave during a rolling 12-month period for qualifying events. FMLA unpaid leave protects the employee's job position and requires the employer to maintain the employee's health coverage. The Exhibit "K" of the County Employee Handbook refers to FMLA leave policy. Nordeen also questioned the County's full-time employee policy of a forty hour work week to receive the benefits of the County. The County is currently still paying the full health premium for full-time employees. The Patient Protection and Affordable Care Act (Obamacare) requires an employer with fifty or more full-time employees to provide health care coverage for employees that work thirty plus hours per week and the employer is not required to pay the full health care premium. The County has paid the full health care premium, as a benefit, for full-time forty hour work week employees for several years. Beginning with the 2019 year the County is considering to have the employee(s) that do not work/receive compensation for a forty hour work week to pay a portion of their health care premium. Nordeen feels that the employee benefits are being decreased every time there are proposed change(s) to employment policies. 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 NIRMA labor law legal counsel for review.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 1779 in the amount of \$29.60 submitted for reimbursement of meeting meals. The Board approved the meal reimbursement that included the itemized receipt in accordance with the County Employee Handbook in the amount of \$11.76. The Board partially rejected payment of Vendor ID No. 1779 in the amount of \$17.84, the County does not reimburse for meals submitted for the day/evening travel before a meeting. Motion made by Maricle, second by Rasmussen to partially reject Vendor ID No. 1779, the \$17.84 submitted for an evening meal of the day before meeting in accordance with the County Employee Handbook. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.

Motion made by Maricle, second by Rasmussen to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$36,738.90; Road/Weed - \$142,899.35; County Visitors Promotion - \$1,547.35; 911 Emergency Management (2910) - \$174.38; 911 Wireless Service (2913) - \$848.90; Fair Building (4025) - \$111,304.28; Ambulance - \$3,811.96. Roll call vote: Yeas: Maricle, Rasmussen and Luettel. Nays: None. Motion carried.



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Motion made by Rasmussen, second by Maricle to approve an Accounts Payable Vendor Claim filed for payment on the Road fund for Vendor ID No. 801 in the amount of \$7,926.37, a non-exclusive contract for services to back-haul aggregate for the county. Roll call vote: Yeas: Rasmussen and Maricle. Nays: None. Abstain: Luettel. Motion carried.

Motion made by Rasmussen, second by Luettel to approve the County Board Proceedings of September 26, 2018 as presented. Roll call vote: Yeas: Rasmussen and Luettel. Nays: None. Abstain: Maricle. Motion carried.

Motion made by Luettel, second by Rasmussen to approve the County Board Zoning Public Hearing Proceedings of September 26, 2018 as presented. Roll call vote: Yeas: Luettel and Rasmussen. Nays: None. Abstain: Maricle. Motion carried.

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

- Clerk - \$2,862.50 (State of Nebraska-\$1,020.28)(County of Boone-\$1,842.22)
- Clerk of the District Court - \$1,826.66 (State of Nebraska-\$1,424.50)(County of Boone-\$402.16)
- County Planning and Zoning - \$230.00
- Sheriff - \$3,451.64
- Treasurer - Treasurer's Fees - Zero; Miscellaneous Receipt Nos. 16587-16635 - \$2,239,015.66; Total Collections - \$3,017,687.16

Roll call vote: Yeas: Luettel, Maricle and Rasmussen. 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 two requests for advertisement funding.

The Albion Area Arts Council requested assistance to advertise the Farewell Angelina Concert scheduled for October 28, 2018. Motion made by Rasmussen, second by Maricle to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

The Petersburg Community Club requested assistance to advertise the Punkin' Chunkin' event scheduled for October 28, 2018. Motion made by Luettel, second by Maricle to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Luettel, Maricle and Rasmussen. Nays: None. Motion carried.

The Board received a Certificate of Cost Allocation Plan and Computation of Indirect Costs from Sequoia Consulting Group for their review. The completed county wide Cost Allocation Plan is based on actual costs for the fiscal year ended June 30, 2017. The Computation of Indirect Costs is for the county's July 1, 2018 through June 30, 2019 fiscal year. The indirect costs reimbursement relates to the Nebraska Health and Human Services when needed and the Clerk of the District Court – IV-D Child Support services. Sequoia Consulting Services receives a percentage of the indirect cost recovery reimbursement received by the county from Nebraska Health and Human Services. Motion made by Rasmussen, second by Luettel to approve the Cost Allocation Plan with Sequoia Consulting Group for fiscal year ending June 30, 2017. Roll call vote: Yeas: Rasmussen, Luettel and Maricle. Nays: None. Motion carried.



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The Rapiscan x-ray equipment that is used on court days is in need of some repairs. The Board authorized Applied Connective Technologies, LLC to order and install a new replacement battery for the x-ray screening system at their September 10, 2018 Board meeting. Applied Connective Technologies, LLC was contacted to check out the x-ray screening system due to a constant buzzing sound. The replacement battery for the backup would not boot up properly and was still flashing an error code. The replacement battery will not be needed or charged to the County due to the need for a new replacement backup unit. Applied Connective Technologies submitted a quote for a replacement backup unit. The x-ray equipment is only used on court days which is on an average of three or four days a month. Denny Johnson, Sheriff; Lisa Langan, County Court; and Rod Nelson, Maintenance, plan to research for vendors in/close to Nebraska for possible replacement/repair of the portable walk through metal detector and x-ray equipment. Motion made by Rasmussen, second by Maricle to authorize Applied Connective Technologies, LLC to order and install a new replacement backup unit for the x-ray screening system and that Rod Nelson, Maintenance, to be the contact person to work with Applied Connective Technologies. Roll call vote: Yeas: Rasmussen, Maricle and Luettel. Nays: None. Motion carried.

Tina Landauer, Commander of Boone County American Legion, updated the Board of the scheduled activities planned for County Legion Government Day. Landauer informed the Board that the Humphrey, Nebraska school system would like to participate in the Boone County Legion Government Day activities.

The Boone County Legion Government day is scheduled for Wednesday, November 14, 2018.

The Board and County Highway Superintendent opened sealed bids for the three advertised fuel pumps that were surplus property located at the County Road Shop Dist. #3, Petersburg. The fuel pumps were labeled #1, #2, and #3 in the photo advertisement. The bids were as follows: Pump #1 - \$505.00, John Kaufman of Newman Grove; \$400.00, Nathan Paulson of Albion; and \$251.70, Lance Ferris of Monroe. Pump #2 - \$30.00, Nathan Paulson of Albion. Pump #3 - \$200.00, Nathan Paulson of Albion and \$155.00, John Kaufman of Newman Grove. Motion made by Maricle, second by Luettel to approve and accept the following bids: Pump #1 - \$505.00, John Kaufman of Newman Grove; Pump #2 - \$30.00, Nathan Paulson of Albion; and Pump #3 - \$200.00, Nathan Paulson of Albion, with payment made to either the Boone County Road Department or Boone County Treasurer. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Adrian Mayer, Bader's Highway & Street of Norfolk, Nebraska, and Stacey (Robinson) Ziemba, County Highway Superintendent, presented estimates for crack sealing for several county asphalt roads. The estimate #351 for \$19,770.00 includes Niewohner road from Highway 91 to gravel; Cargill road from Highway 14 to gravel; Six miles of Old Mill Road; Raeville Road; and Central Highway from Highway 39 east to 340<sup>th</sup> Avenue. Bader's Highway will remove all weeds, blow out all cracks, clean, seal and squeegee all cracks. The Board asked Mayer to check the rest of the county asphalt roads that are not listed within the estimate for possible need of crack sealing. Motion made by Luettel, second by Rasmussen to approve the Estimate #351 for \$19,770.00 for crack sealing of several county asphalt roads from Bader's Highway & Street as presented. Roll call vote: Yeas: Luettel, Rasmussen and Maricle. Nays: None. Motion carried.

The County Highway Superintendent and Board discussed the wind damaged building located on County property by the Boone County Road Department Dist. #3 shop in Petersburg at the September 26, 2018 Board meeting. The Board authorized the County Highway Superintendent to seek local bids for removal of said storm damaged building. The Highway Superintendent received one bid to date and asked that the Board table a decision for removal of the wind damaged building to allow for additional bids for building removal and disposal. Motion made by Maricle, second by Luettel to table a decision for removal and disposal of the wind



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damaged building to the October 15, 2018 Board meeting. Roll call vote: Yeas: Maricle, Luettel and Rasmussen. Nays: None. Motion carried.

Stacey (Robinson) Ziemba, Boone County Highway Superintendent, updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed:

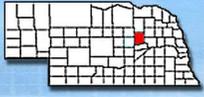
- The Enerco propane heating system for County Road Shop District #1, Cedar Rapids, was installed last week.
- The Board and Highway Superintendent discussed insulation estimates for the County Road Shop District #1 building.
- The Highway Superintendent and Board Chairman plan to interview the applicants for the advertised position in County Road District #2, Albion.

The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 28, 2018. The road closure is for 140<sup>th</sup> Street, located between Sections 19 and 30, all in Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska; commencing at the junction of 220<sup>th</sup> Avenue and 140<sup>th</sup> Street, thence east one mile on 140<sup>th</sup> Street and terminating at the junction of 140<sup>th</sup> Street and 230<sup>th</sup> Avenue. Motion made by Luettel, second by Maricle to approve Resolution No. 2018-35 for a temporary road closure relating to the Petersburg Community Club Punkin' Chunkin' event as presented. Roll call vote: 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 and August 27, 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 as presented by Mike Jeffres, State of Nebraska, Office of the Chief Information Officer and Denny Johnson, Boone County Sheriff. Jeffers contacted Johnson stating that the State legal department wants to use a revised and simpler Agreement to replace the previous Agreement that was signed by the Board. The Board did not receive the revised Agreement to review for today's Board meeting. Motion made by Rasmussen, second by Maricle to table the approval/signing of a revised Agreement to a later date. Roll call vote: Yeas: Rasmussen, Maricle 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 with a December 1, 2018 effective date at their September 17, 2018 Board meeting. Denny Johnson, Sheriff, presented the Board an Interlocal Agreement draft for their review. The Board and Johnson reviewed and discussed the Interlocal Agreement. Johnson plans to review the Interlocal Agreement with Nance County following today's discussion and plans to have a final document for the October 15, 2018 Board meeting.

Jerad Reimers, representative for Congressman Adrian Smith's office, updated the Board of the congressman's activities and federal issues. The Board and Reimers discussed several issues. Reimers informed the Board to direct citizens that have issues with Federal agencies to direct them to the congressman's office in Grand Island, Nebraska for assistance.



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The Board received pay application number 1 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the building material deposit and performance and payment bond. Motion made by Maricle, second by Luettel to approve payment number 1 from Rathman Manning Construction for \$111,304.28 as presented. Roll call vote: Yeas: Maricle, Luettel 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. 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 tabled approval of the resolution for the County Employee Handbook on September 17, 2018 following a lengthy discussion. Due to the earlier lengthy discussion regarding the County FMLA, sick, vacation and comp policies, the Board did not take action in regard to the resolution for the handbook.

## Public Comments:

- Commissioner Luettel updated the Board in regard to the NIRMA Conference held on October 4 and 5, 2018 and accepted the Boone County dividend check in the amount of \$14,472.00 from NIRMA.
- Commissioner Maricle updated the Board in regard to the Boone County Recreational Trails System project and said a grand opening is tentatively scheduled for October 18, 2018 at 5:30 P.M.
- Commissioner Maricle updated the Board in regard to the BCDA, Inc. meeting and activities.
- Commissioner Maricle updated the Board in regard to the Region IV, Inc. / NorthStar Services meeting.
- Commissioner Maricle updated the Board in regard to the Greater Nebraska Workforce Development Board meeting.

Chairman Luettel declared the meeting adjourned at 1:02 P.M., with the next Board meeting scheduled for Monday, October 15, 2018.

Kathy Thorberg,  
Boone County Clerk