



Box Butte County Board Minutes



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Box Butte County Commissioners met in an open and public meeting, at 9:00 a.m., April 1, 2019, in the Commissioner Board Room located on the second floor of the Box Butte County Courthouse, 515 Box Butte Avenue, Alliance, NE. Notice of meeting was published in the Alliance Times Herald on March 23, 2019, with agenda information emailed to board members and posted on the county website March 29, 2019. Chairman Doug Hashman called the meeting to order at 9:00 a.m., following an opening prayer. Roll call: Mike McGinnis, Susan Lore and Doug Hashman present. Judy Messersmith, County Clerk, recorded the proceedings of the meeting. County Attorney Terry Curtiss, present. Following the Pledge of Allegiance, Chairman Hashman acknowledged the open meeting act posted on the North wall of the County Board Room. Susan Lore moved to approve the agenda with the addition of City of Alliance request for public transportation support, seconded by Mike McGinnis. McGinnis, yes; Lore yes; Hashman, yes. Motion carried. With no public comment on agenda items, Mike McGinnis moved to approve March 18, 2019 minutes as written, seconded by Susan Lore. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. Susan Lore moved to accept and sign Clerk of District Court monthly report, seconded by Mike McGinnis. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. Correspondence was acknowledged and available for public view and Commissioners reported on meetings they had recently attended.

Susan Lore moved to open as Board of Equalization at 9:15 a.m., seconded by Mike McGinnis. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. Mike McGinnis moved authorizing Chairman Hashman to sign the correction book as County Assessor Michelle Robinson presented, with 11 mobile home tax corrections, seconded by Susan Lore. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. Mike McGinnis moved to close Board of Equalization at 9:20 a.m., seconded by Susan Lore. Lore, yes; McGinnis, yes; Hashman, yes. Motion carried.

Following Board of Equalization, Chairman Hashman continued with his 911 board report, stating that the 911 funds could be used for Box Butte County dispatcher training.

Michelle Robinson spoke on behalf of the Wellness Committee, discussing healthy vending options. Ms. Robinson would like to have one of the current Pepsi machines removed allowing for space for a healthy vending machine, that would include healthier snack options. Chairman Hashman allowed Ms. Robinson to contact vendors regarding the types of products and vending machines they supply. Ms. Robinson will request to be on a future meeting agenda with vending information.

Mike McGinnis moved allowing Chairman Hashman to sign an engagement letter (attached to minutes) with Caleb W. Johnson, as Box Butte County Budget Consultant, for fiscal year 2019-2020, seconded by Susan Lore. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried.

County Attorney Curtiss provided clarification on wage and hour and labor laws, defining overtime is after 40 hours of actual worked time. Mr. Curtiss stated that non-exempt employees are governed by policy and that county benefits should be uniform, treating employees equal. Exempt employees are required to work as much as is needed. Non-exempt (hourly) employees can use vacation or comp time to compensate for hours not worked when the courthouse is closed, including bad weather. Those employees that are working while the courthouse is closed, will be paid for hours worked. Chairman Hashman had visited with NIRMA attorney Pam Bourne and she agreed with County Attorney Curtiss that employees are paid for hours worked. Mr. Curtiss explained that tax funding can not be used to pay employees for not working.

County Attorney Curtiss addressed agenda items regarding the handbook and vacation accrual, stating that specific individual vacation disputes should be discussed in closed session, and that the handbook needs to have some



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clarification, encouraging discussion with NIRMA attorney Pam Bourne at the upcoming NIRMA personnel seminar, to be held in Gering, NE on April 4, 2019.

Dustin McConville, 7355 Gage Rd, Hemingford, NE had turned a petition for partial abandonment/vacation of Franklin Road to the County Clerk's office for signature verification. With signatures verified, Mr. McConville provided information to the Board describing the road as having no outlet and is on private property, and he requested a public hearing before the Board of Commissioners. Doug Hashman moved to proceed with the requested time line for road closure, signing Resolution 2019-02: setting a public hearing May 20, 2019 at 10:00 a.m., seconded by Susan Lore. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried.

Mainelli Wagner & Associates Construction Manager Tony Amer discussed CR61 and Nance Rd intersection. Discussion included the approach allowing for trucks to turn with the possibility of making

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Nance Road wider and surfacing approximately 300 feet North on CR61. City of Alliance Public Works Director Ross Grant stated that 25th Street is not currently on the City of Alliance's 1 and 6 year road plan.

Timely added to the agenda, was City of Alliance request for public transit support. Public Works Director Ross Grant asked for a 2-year agreement to continue funding for public transit system. Mr. Grant explained that the service provides transportation for residents and currently there are two drivers driving on Sunday. Chairman Hashman requested services for residents living close to Alliance, but may not be in the city limits, he also asked about providing rides to the cemeteries, as service is being provided to those needing to get to the airport. County Attorney advised that the Board can only obligate the budget for one year. County Attorney Curtiss will review the current agreement and draft a revised agreement for the City to review.

Road Superintendent Barb Keegan provided a road and equipment report, stating that approximately 120 miles of road in Box Butte County are currently closed, as a result of the blizzard, flooding and additional moisture the county has received. Ms. Keegan's report stated that repairs done thus far and snow removal may not be included in guidelines for FEMA reimbursement.

Doug Hashman moved, seconded by Susan Lore to set a public hearing to amend the Box Butte County 2018-2019 fiscal budget at 10:00 a.m., May 6, 2019 for the purpose of hearing support, opposition, or suggestions due to unforeseen circumstances and anticipation of expenditures due to the 2019 spring storm disaster. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried.

County Attorney Curtiss once again stated that a public entity is prohibited to give away money. The county can not pay bonuses, including birthdays for some employees, that would be non-uniform benefits. In order to continue with payroll processing, Susan Lore moved that no bonuses will be paid, including being paid for not working on a snow day, being paid for a birthday or being paid for not working on a day or part of a day off, seconded by Mike McGinnis. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried.

Mainelli Wagner & Associates Construction Manager Tony Amer returned to the meeting with a report following his viewing of intersection of CR61 and Nance Road. Discussing with the Board the possibility of including 300 feet North on CR61 at Nance Road, with a 24 foot width in the road plan. Mr. Amer also recommended an emergency disaster declaration on East Nance Road, as the asphalt has a hole, causing the current road to be closed from Sweetwater Avenue to Hwy 87. Mr. Amer recommended filling the hole with gravel for the time being and was going to meet with Road Superintendent Keegan following the meeting.



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Susan Lore moved to enter into executive session at 12:04 p.m., at the recommendation of County Attorney Terry Curtiss to discuss pending litigation, seconded by Mike McGinnis. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. Those attending executive session were Commissioners McGinnis, Lore, Hashman and County Attorney Curtiss. At 12:18 p.m, Mike McGinnis moved, seconded by Susan Lore to close executive session that had been called to discuss pending litigation. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. No action taken.

Quarterly jail visit as required in section 47-109, will be added to the April 15, 2019 agenda.

Doug Hashman moved to recess the meeting until 11:00 a.m., Wednesday, April 3, 2019, to sign payroll and payroll claims, seconded by Susan Lore. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. Chairman Hashman then recessed at 12:37 p.m.

Chairman Hashman resumed the board meeting to sign payroll and payroll claims at 11:00 a.m., April 3, 2019. Roll call: Mike McGinnis, Susan Lore and Doug Hashman present.

Susan Lore moved to sign payroll and payroll claims, seconded by Mike McGinnis. McGinnis, yes; Lore, yes; Hashman, yes. Motion carried. **GENERAL:** Net Payroll 115302.77; AFLAC 1826.96; Ameritas Life Insurance Corp 654.08; Bank of the West 38,734.78; Box Butte County Treasurer 97590.00; Lincoln National Life Insurance 221.75; NE Child Support Payment Center 788.57; Retirement Plans Division/Ameritas 22878.43; St of NE Dept of Revenue 4435.07; US Dept of Education 365.92; Vision Care Direct 125.38. **ROAD:** Net Payroll 50042.47; AFLAC 122.33; Ameritas Life Insurance Corp 22.04; Bank of the West 11907.36; Box Butte County Treasurer 1096.00; Credit Management Services Inc 481.28; Lincoln National Life Insurance 6.12; NE Child Support Payment Center 650.00; Retirement Plans Division/Ameritas 3133.19; St of NE Dept of Revenue 2809.13; Vision Care Direct 143.18.

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Chairman Hashman adjourned the meeting at 11:18 a.m.

Chairman

Attest: _____
County Clerk