

June 11, 2019

Seward County Board of Equalization

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Equalization was convened in open and public session at 8:30 a.m. on June 11, 2019 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's Room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Equalization convened on June 11, 2019 at 8:30 a.m.

Present: Chairperson: John Culver
Members: Mike Mundhenke, Bob Vrbka, Becky Paulsen
County Clerk: Sherry Schweitzer
County Assessor: Marilyn Hladky
Absent: Member: Ken Schmieding

The Chairperson noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Mundhenke and seconded by Vrbka to approve the minutes of May 28, 2019.

Affirmative Vote: Mundhenke, Vrbka, Culver

Abstain: Paulsen as she was not in attendance at said meeting. Motion Carried

Moved by Vrbka and seconded by Mundhenke to approve Tax List Correction 169-18P and 269-18R.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, Culver Motion Carried

Hladky then updated the Commissioners on activities of her office.

Known items on the agenda for Board of Equalization on June 25, 2019 are as follows:

8:30 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of June 11, 2019
4. Discuss/Action – Assessor Information Update

Moved by Vrbka and seconded by Mundhenke to adjourn at 8:59 a.m.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, Culver Motion Carried

State of Nebraska)
County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 25th day of June 2019.

County Clerk

Chairperson

June 11, 2019 Seward County Board of Commissioners

State of Nebraska)
County of Seward) ss.

A regular meeting of the Seward County Board of Commissioners was convened in open and public session at 9:00 a.m. on June 11, 2019 in the Commissioner's room at the Seward County Courthouse. Notice of the meeting was posted on the Courthouse bulletin board and on the Commissioner's Room door. The agenda for all meetings is kept continually current and is available for public inspection at the County Clerk's Office during normal business hours. The agenda is held open until one business day prior to the meeting for appearance before the Board. The Board of Equalization has the right to modify the agenda to include items of an emergency nature only at such public meeting.

The Seward County Board of Commissioners convened on June 11, 2019 at 9:00 a.m.

Present: Chairperson: John Culver
Members: Mike Mundhenke, Bob Vrbka, Becky Paulsen,
County Clerk: Sherry Schweitzer
Absent: Member: Ken Schmieding

The Chairperson noted that the public meeting information is posted as required by law and available for public distribution if requested.

The Pledge of Allegiance was recited.

Moved by Paulsen and seconded by Vrbka to approve the minutes of June 4, 2019.
Affirmative Vote: Paulsen, Vrbka, Mundhenke, Culver Motion Carried

Tera Koetter, Clerk of the District Court, let the Commissioners know that she recently attended a workshop last week.

Commissioners Reports:

Commissioner Mundhenke reported that he attended the Commissioners Workshop last week.

Commissioner Vrbka reported he also attended the workshop and met with the Road Dept. personnel.

Commissioner Culver reported he also attended the workshop, did some extra work on agenda subjects today, checked roads, and dealt with various correspondences.

Commissioner Paulsen reported she also attended the workshop, has been working with a landowner on clay that he owns and the Road Dept. needs, worked with various Depts. on various agenda subjects.

Moved by Vrbka and seconded by Mundhenke to accept the County Clerk Fee Report for May 2019 in the amount of \$39,989.75.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, Culver Motion Carried

Moved by Paulsen and seconded by Mundhenke to accept the Clerk of the District Court Fee Report for May 2019 in the amount of \$4,713.50.

Affirmative Vote: Paulsen, Mundhenke, Vrbka, Culver

Motion Carried

Moved by Vrbka and seconded by Mundhenke to authorize the Chairman to sign the Surplus Property Disposal Request for the Detention Center.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, Culver

Motion Carried

The Commissioners recessed at 9:10 a.m.

The Commissioners re-convened at 9:15 a.m.

Mark Smith of High Plains Construction was present to talk about the liquidated damages on Project C-80(617) Sunrise Road Box Culvert. He had asked that the liquidated damages for completing the project be eliminated. He cited that there were delays and said the final project was completed and is satisfactory. Mundhenke stated there were a lot of people unhappy in the area because of the late completion of the project. Culver said that he felt if there were additional costs incurred, change orders should have been requested.

Moved by Vrbka to forgive 50% of the liquidated damage amount of \$87,500 for Project C-80(617) Sunrise Road Box Culvert completed by High Plains Construction, thereby forgiving \$43,750.

Motion died for lack of a second.

Moved by Mundhenke and seconded by Vrbka to forgive 25% of the total liquidated damage amount of \$87,500 for Project C-80(617) Sunrise Road Box Culvert completed by High Plains Construction, thereby forgiving \$21,875.

Affirmative Vote: Mundhenke, Vrbka, Culver

Voting No: Paulsen

Motion Carried

Mr. Cody Wichman of DA Davidson was present to give information about re-financing the bonds for the Detention Center. He stated that the underwriter fee charged by DA Davidson would be .795%. He gave 2 options in which to finance. They would give local patrons the chance to purchase bonds.

Barb Liska, E911 Director, was present to request payment for her employees' compensatory time up to within 50 hours.

Moved by Mundhenke and seconded by Vrbka to pay down the E911 employees' comp time down to 50 hours.

Affirmative Vote: Mundhenke, Vrbka, Culver

Voting No: Paulsen

Motion Carried

Liska was also present to give information about her 911 budget. She is requesting an extra staff person to help with comp time. She also requests that her Deputy Director be at 80% rather than at the amount as suggested by the salary study committee. It was decided to leave the salary for her Deputy as was suggested.

Moved by Paulsen and seconded by Mundhenke to approve the original budget request for E911 in the amount of \$751,663.20.

Affirmative Vote: Paulsen, Mundhenke, Vrbka, Culver

Motion Carried

Shari Wurtz-Miller and Kelsey Petersen of Blue Valley Community Action were present to give their annual report of activities and submit their request for support for the next fiscal year.

Mike Janssen, Buildings and Grounds Supt., was present to give information about quotes he had received for cleaning the Justice Center since a staff member had suddenly quit and he did not receive any new applications. He received quotes from 3 different companies.

Moved by Vrbka and seconded by Mundhenke to proceed with Hartland Cleaning at \$1,063.00 per month.

Affirmative Vote: Vrbka, Mundhenke, Paulsen, Culver

Motion Carried

The Commissioners recessed at 10:28 a.m.

The Commissioners re-convened at 10:30 a.m.

The next item on the agenda was the Salary Study Committee recommendations. Barb Armstead, Deputy County Attorney, was present to make a statement regarding the salary study committee. She said the committee was in violation of Open Meetings Act. She said she had spoken with an attorney at the Nebraska County Official's Association (NACO) but said her analysis is irrelevant. She stated that upon notice, we are in violation of the Open Meetings Act, it voids any action taken and those committee members are subject to criminal penalties. Culver asked if it was her opinion or the County Attorney's opinion and she said it's the County Attorney's opinion but she would support it, although she is not prepared to make her own. Schweitzer asked, as a member of the committee, why there is a difference between an advisory committee and a sub-committee. Schweitzer said the information from an NRD court case makes her think the committee is a sub-committee. (A sub-committee of a Board does not have to comply with the Open Meetings Act.) Schweitzer asked why the Attorney's Office thinks they are an Advisory committee. Armstead said that they think that case law supports their opinion. She said a sub-committee is defined as group within a committee to which the committee may refer business. A sub-committee consists of members of the board without adding other members. The NRD court case compared was just members of the board and this salary study committee was more than just members of the Board. Vrbka asked Armstead for a brief. She said one can be provided. Vrbka asked if they are in violation of Open Meetings Act if they discuss and she said yes. She said the issue is the May 31, 2019 meeting that was in violation of the Open Meetings Act. Vrbka asked how it can be corrected and she said they can redo the meeting. Schweitzer said they did, in fact, post that meeting. Barb was not prepared to speak to that because the Attorney's Office was not aware of that meeting. Schweitzer said she did comply with it the Open Meetings Act and that meeting was posted. It was on the bulletin board at the County Courthouse, City library, and City Clerk's office. Armstead says it's not just the May 31st meeting that is in violation of the Open Meetings Act, it's all the meetings of the advisory committee.

Paulsen asked what the fine would be for violating the Open Meetings Act. Armstead said it's a Class 4 misdemeanor. Schweitzer asked why this was not brought up until now. Armstead said she's just giving their position and she cannot answer that. Schweitzer said Wendy was aware of all of the schedules. Armstead said she didn't come to debate, just to present the opinion. Vrbka asked why a suit hasn't been filed already if, according to their opinion, they've been outside the law since February when the meetings began. Schweitzer stated the Morrow & Associates Salary Study Committee that had meetings last year included the County Attorney, former HR Director, former Chairman of the Board, former County Sheriff and a former Commissioner and they met the same way as this committee, so were they also in violation? Armstead said perhaps they were in violation of the Open Meetings Act. Culver said since it's the County Attorney's opinion, if they proceed, would the attorney represent the Board or would they have to go to outside for legal counsel if it becomes a case. Armstead said the County Attorney would not file charges; the Attorney General would investigate. Culver asked if the attorney received a complaint from someone and she said yes. Schweitzer referred to the NRD case again and asked how they know the sub-committee was made up of just members of the NRD board? Bob Dahms also spoke on the issue stating he felt this was an issue like other court cases. His opinion is if there is concern now, why wasn't there concern before when the previous salary study committee met. Culver stated it should have been noted at the beginning of the meetings instead of waiting until the sub-committee was ready to present to the board. He said it was poor advice from the attorney's office for letting them get in this position. He doesn't see that the sub-committee was in violation. Vrbka stated that he would like to hear the recommendations of the salary study committee.

Schweitzer & Brea Ehmen, HR Director, presented information on the salary study committee. She stated who the members were, that the Morrow & Associates salary study didn't do justice for the employees, and thanked the Board for allowing the committee to permit this. She explained the data was collected by department heads and then the committee met with the departments for their various job descriptions. She explained a new pay scale will be recommended to be approved, how it was established, and that a longevity aspect was incorporated when placing employees on the scale. The fact that some positions cannot be filled was taken into consideration. A maximum raise and a minimum wage were also decided

upon only so that final figures could be ascertained as to the impact of the whole salary study. An 8% max for the employees who were already in the market, but a little bit more for the ones who weren't even on the scale yet. Since everyone deserves something, even the ones who are over the market should at least receive a raise based on performance, she said. The committee recommends the board allow the supervisors to have option to decide what amount should be given, not to exceed the suggested maximum. A minimum wage increase also needs to be approved. If the minimum was 2%, the impact on the budget would be 6.5%. If 3% were recommended, there would be a 6.6% impact. She stated every job position was considered and every employee was placed on the new recommended scale. After applying all the numbers, a 6.5% impact was figured. As Budget Authority, Schweitzer said 6.5% is something that maybe could be fiscally handled. She said the cost of living is currently 1.8% average over the last 12 months. Culver said liaisons could meet with department heads to discuss.

Vrbka asked if it would be appropriate if the committee had an open meeting in the near future. Schweitzer asked Armstead if the committee can have a meeting and meet with everyone again, would that remedy the situation. Armstead said she would have to research that. Culver asked if now they should set up a meeting with department heads coming in and discuss any questions and concerns with the committee. Paulsen stated that people should go through the chain of command in each department and those people with questions should first discuss those questions with their department heads. Culver said the department heads are the ones who should be reporting to the committee if they have questions or concerns.

Moved by Paulsen and seconded by Mundhenke to table the discussion of salary study recommendations.

Affirmative Vote: Paulsen, Mundhenke, Vrbka, Culver

Motion Carried

Known items on the agenda for Board of Commissioners on June 18, 2019 are as follows:

9:00 a.m.

1. Convene and announce Open Meetings Law
2. Pledge of Allegiance
3. Discuss/Action - Approve minutes of June 11, 2019

Other Business Matters to Address When Time Allows

4. Discuss/Action - Public/Officials/Boards
5. Commissioners Reports
6. Discuss/Action – Estrays
7. Discuss/Action – Agenda for June 25, 2019

9:15 a.m. Discuss/Action – Carmin Hinman/Hope Crisis Center – Annual Report and Request for Annual Support

9:30 a.m. Discuss/Action – Zoning Issue

9:45 a.m. Discuss/Action – Zoning Issue

10:00 a.m. Discuss/Action – Cost and Payment for new server for Co Assessor & Treasurer

Moved by Vrbka and seconded by Mundhenke to adjourn at 11:37

Affirmative Vote: Vrbka Mundhenke Paulsen Culver

State of Nebraska)

County of Seward) ss.

I, Sherry Schweitzer, the undersigned County Clerk of Seward County, Nebraska do hereby certify the foregoing minutes are true and are part of the official records of this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 18th of June 2019.

County Clerk

Chairman