

January 9, 2012
Commissioners Meeting
Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 9th day of January, 2012. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry Heard, Skip Oehlich and Gil Wigington, County Commissioners, Rita M. Mundil, County Clerk and Denise J. Kracl, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Oehlich; second Wigington to approve the agenda. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Oehlich, second Wigington to re-organize for 2012 and appoint Jerry Heard to serve as county board chair for 2012 and authorize Gil Wigington to sign documents in absence of county board chair. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Heard; second Wigington to approve the following appointments to the following agencies: NENEDD-Oehlich; CNJHA-Heard; Region 4/ODD (aka North Star)-Wigington; Region 4/MH-Wigington; NE Nebr. Area Agency on Aging-Oehlich; NE Nebr. Juvenile-Heard; East-Central Health District-Oehlich; Prairieland RC&D-Heard; LEOPC-Wigington and NE Nebr. Area Agency on Aging Advisory Board (3 year term)-Tom Krivohlavek. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to approve the minutes of 12/27/11. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to enter executive session at 8:35 a.m. for the General Assistance Clerk Report. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Heard; second Wigington to exit executive session and resume regular session at 8:45 a.m. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

The chairman stated no action was taken while in executive session.

The county attorney gave a report of the activities of her department; the application for the continuation of the Juvenile Diversion Program will be discussed at the next meeting on January 24th.

The weed superintendent gave a report of the activities of his department. Motion Oehlich; second Wigington to renew the appointment of Robert Cerny as weed superintendent. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Wigington; second Oehlich to give authority for the chairman to sign the State Report. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

The clerk provided the board with her monthly fees and a change of safe keeping with Pinnacle. The clerk will register the commissioners for the NACO's County Board Workshop February 8-10 in Kearney.

The board received a copy of the monthly fee report from the district court clerk.

On December 6, 2011 the Nebraska Commission on Law Enforcement and Criminal Justice, conducted an annual evaluation of the Colfax County Jail to determine its compliance with the Nebraska Minimum Jail Standards; the facility was determined to be in full compliance.

The sheriff provided the E911 quarterly radio activity report and a yearly radio activity report to the board and they will be placed on file.

The board provided an opportunity for county employee's to attend an "Agenda-less meeting".

Motion Oehlich; second Wigington to change the meeting of the board 2nd Monday meeting and 4th Tuesday meeting as follows: May 22, 2012 to May 29, 2012; October 8, 2012 to October 9, 2012; October 23, 2012 to October 30, 2012, November 12, 2012 to November 13, 2012, December 25, 2012 to December 26, 2012. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Discussion was held regarding an additional method of providing notice of the county's meeting; the clerk informed the board that she posts the agenda and minutes on the county's website, but she will now add the website on her notices that she posts.

Motion Heard; second Oehlich to approve Resolution 1-9-12(1) that authorized the county treasurer to invest surplus funds of up to \$7,500,000 with approved financial institutions. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Oehlich; second Heard to approve the bond schedule for elected/appointed officials and bonded employees. A copy of the commissioners bond(s) has been filed with the county court judge. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Wigington to approve Resolution 1-9-12(2) which provides an annual cost of living increase of 3.4 percent to the salaries of officials, deputies, appointed officials and employees under the authority of the county board. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Heard; second Wigington for local approval for SDL applied by Park Place for an event to be held February 4, 2012 at the Leigh Fairgrounds. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Recessed at 9:40 a.m. and reconvened at 10:00 a.m.

The Zoning/Flood Plain/Grant Writer administrator gave a report of the activities of her department; regulations on wind generators and a public hearing will be held at January 24th meeting.; several certificates of occupancy were given.

The personnel committee met on December 30, 2011 and discussed revisions to the Colfax County Personnel Policies and Procedures Manual on Chapter 6 –J. Use of County Equipment and Services Policy. Motion Wigington; second Heard to approve the following revision:

Use of County Equipment and Services

The County provides email, voice mail, Internet access, telephone service, and computer equipment for use in conducting County business. All such equipment and systems are County property and should be used primarily for business purposes. They may be used for appropriate personal reasons on an occasional basis only during non-working time and as long as such use does not result in added expense to the County, unless otherwise permitted under this policy. Because such property and systems are County property, the official or department head has the right to and will monitor the use of such property from time to time. Therefore, no employee should have any expectation of privacy in his/her use of such property or any files, data, or information transmitted with, placed or stored on, or otherwise communicated using such equipment and systems.

The following will clarify the types of equipment and services contemplated by this policy.

Computers. All data entered with the use of the County's computers is considered the property of the County. No employee should knowingly enter false or misleading information in the County's computer system or destroy any data that the County needs to conduct its business. Please realize that, for various reasons, the official or department head has the ability to access the County equipment. As a result, your computer should not be used for personal business, even during non-working time, if you do not want the official or department head to have access to personal information. Also, unauthorized access to a computer or computer system, or knowingly destroying a computer, computer system, computer software, or computer program, is specifically prohibited. Violators will be prosecuted to the fullest extent allowed by civil or criminal law.

Electronic Mail and Voice Mail. Electronic and voice mail is to be used primarily for business purposes only. It can be used for appropriate personal reasons only during non-working time. Like your computer, the official or department head has the ability to access your email and voice mail when it deems such access necessary. Also, in use of email or voice mail for business purposes, you should be aware that such messages are not entirely confidential. They can be forwarded to others without the original sender's knowledge. Email can be viewed by others who may improperly use a password to breach the security of the system. In addition, disclosure of email messages may be required in lawsuits against the County. As a rule of thumb, nothing should be sent by email if you would not put the information in a formal memo or would not like the information to become public knowledge. Do not use derogatory, offensive, or insulting language in any email or voice mail message. Finally, employees are not to access or view email that is not addressed to them or access or listen to voice mail other than their own. Employees violating this policy will be subject to immediate termination.

Use of the Internet. Use of the Internet is to be limited to business use, except employees may access the Internet for appropriate personal reasons during non-working time. However, pornographic or other offensive sites cannot be viewed at any time. In addition, the County prohibits the downloading or installation of any application software from the Internet onto County computers at any time. This software could contain embedded viruses or be incompatible with our computer operations. Please realize that the official or department head has the ability to monitor Internet use.

All employees are also prohibited from participating in any web-based surveys, music download sites, social networking sites, or subscribing to any services over the Internet, unless they have the written authorization of official/department head.

Telephones

Employees may use the county telephones for personal reasons or "as needed" as long as it is not excessive. **County telephones should not be used for personal long distance calls. (revised 11/05)**

Cellular Phones and Similar Devices

Cellular phones, smart phones and similar electronic devices have become a common convenience to many employees. However, such convenience should not interrupt your work for the County. Therefore, except in emergency situations, employees are not to make or receive calls, texts, messages, access the Internet or otherwise use their cell phones or devices during working time. Calls made or received on cell phones should not disrupt the activities of the department and shall be left to the discretion of the official or department head. You, of course, may use your cell phones and devices during breaks and lunch periods.

In addition, use of a cell phone or other electronic device while driving is dangerous and specifically prohibited while on working time. You are also prohibited from using a cell phone or electronic device at any time while driving a County vehicle. If you must make an emergency communication while driving, you should normally pull to the side of the road and stop before making the call, texting, or otherwise using the device.

Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Discussion was held on the denied pivot payment crossing of the Hughes Payzant Ditch Grant. The board directed the clerk to take the pivot crossing payments out of the Inheritance Fund; the county will start the appeal process for reimbursement to the fund. Public comment was made on culverts on Road 13.

Motion Heard; second Wigington to open a public hearing at 10:45 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation with regards to the program or project performance on the Hughes Payzant Drainage Ditch Grant. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Northeast Nebraska Economic Development/Toni Smeal and the project engineer were present to answer any questions regarding the project; two people from the public and two people from the road department were present.

No public comment was made during the hearing.

Motion Heard; second Oehlich to close the public hearing at 10:55 a.m. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

Motion Wigington; second Oehlich to authorize the chairman to sign the Request for CDBG Funds of \$1,099.00 for general administration fees. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

Motion Oehlich; second Wigington to authorize the chairman to sign the Request for CDBG Funds of \$70,701.00; Kohl Construction Inc. - \$47,892.00 Mainelli Wagner & Associates - \$22,559.00 Midwest Service & Sales - \$250.00. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

Motion Oehlich; second Wigington to apply for an extension to July 31, 2012 on the Hughes Payzant Drainage Ditch Grant deadline. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

The highway department gave a report of the activities of the road department; they reviewed a map of Federal-aid projects currently on the 1 & 6 year plan. Public comment was made concerning a closed bridge on Road 15 which will continue to be closed until further notice.

Motion Heard; second Oehlich on the approval of Resolution 1-9-12(3) for project RUR-3175(3) Howells North allowing the chairman to sign the Supplemental Agreement #1. Voting YES: Wigington, Heard and Oehlich. Voting NO: None. Motion carried.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Wigington to adjourn BOC at 11:45 a.m. and to meet again January 24, 2012. Voting YES: Heard, Oehlich and Wigington. Voting NO: None. Motion carried.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on this 9th day of January, 2012. The County Board of Equalization met at 12:00 p.m. Present were: Jerry Heard, Skip Oehlich and Gil Wigington, County Commissioners, Rita M. Mundil, County Clerk, and Viola Bender, County Assessor. Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The board acknowledged the Finding and Orders from TERC on Case No. 09C 003; 09C 004; 10C 002; 11C 013

The board approved a tax list correction submitted by the assessor.

Motion Heard: second Wigington to adjourn the BOE meeting at 12:05 p.m. Voting YES: Oehlich, Wigington and Heard. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly elected and qualified County Clerk of said county, do hereby state that the above minutes were recorded by me, are true and correct to my knowledge, are recorded in the Commissioners Records and were completed for public inspection and publication on the 10th day of January, 2012.

Rita M. Mundil, County Clerk