

MINUTES OF MEETING
SARPY COUNTY BOARD OF COMMISSIONERS
Tuesday, June 24, 2014
Sarpy County Courthouse, Sarpy County Board Room
www.sarpy.com/countyboard/minutes/

Notice of the Board of Commissioners meeting was given in advance thereto by publication in the Suburban Newspapers, Inc. dba Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor on June 18, 2014. A copy of the Proof of Publication is on file in the County Clerk's office. Notice of the meeting was simultaneously given to all members of the Sarpy County Board of Commissioners. Availability of the agenda was communicated in the published notice and in the notice to members of the Board of Commissioners of the meeting. The location of the posted "Nebraska Open Meetings Act" was given and the meeting of the Sarpy County Board of Commissioners convened in open and public session by Board of Commissioners Chairman Jim Thompson at 3:05 P.M. immediately following the Board of Equalization meeting.

Commissioners Present: Don Kelly, Jim Thompson, Tom Richards, Brenda Carlisle,
Jim Warren

Commissioners Absent: None

Others Present: County Clerk Deb Houghtaling
County Administrator Mark Wayne
Deputy County Attorney Mike Smith

CONSENT AGENDA

NOTE: These are items of business that are routine which are expected to be adopted without dissent. Items are automatically approved when the consent agenda is approved unless an item is REMOVED by a Commissioner or any member of the public. Items removed will be placed under the Regular Agenda for action by the County Board.

1. Approve minutes (June 17, 2014). Deb Houghtaling, County Clerk
2. Approve claims and payroll report. Deb Houghtaling, County Clerk
3. Resolution 2014-217: Authorize Chairman to sign the electronic government service agreement addendum 7 with Nebraska Interactive LLC (Nebraska.gov) and Nebraska State Records Board to provide online payment services (PayPort) to Sarpy County. Deb Houghtaling, County Clerk
4. Approve Liquor Control Commission Corporate Manager Application of Eric McDonald, Kum & Go #370, 11205 Wickersham Blvd. Gretna, NE. Eric McDonald
5. Resolution 2014-218: Authorize Chairman to sign agreement with the Nebraska Department of Health and Human Services for staff secure juvenile detention services to be provided at the Juvenile Justice Center. Dick Shea, Juvenile Justice Center Director
6. Resolution 2014-219: Appoint Jeffrey Gene Johnson to Veterans' Service Committee replacing Gene Howard Johnson to complete the remainder of his five year term ending on June 30, 2018. Thomas W. Mlnarik, Veterans' Service Office Director
7. Resolution 2014-220: Reappoint Ronald Dean Ingram to the Veteran's Service Committee for a five year term commencing July 1, 2014 through June 30, 2019. Thomas W. Mlnarik, Veterans' Service Office Director
8. Resolution 2014-221: Approve public improvements - sanitary sewer and storm sewer section 1 for SID 278, Tiburon Ridge Phase 2. Denny Wilson, Engineer
9. Resolution 2014-222: Approve placement of "STOP" signs within SID 294, Remington Ridge. Denny Wilson, Engineer

- 10. Resolution 2014-223: Authorize Chairman to sign non-disclosure agreement with Alcatel-Lucent USA, Inc. for products and services for emergency communications functions. Marilyn Gable, Acting Director E-911
- 11. Resolution 2014-224: Flood Plain Development Permit application, John Larson Jr. and Maureen Larson to construct an addition of living space to an existing structure at 17304 Iris Circle, Bellevue, NE, Lot 129 Hanson's Lake, Platte River. Donna Lynam, Zoning Administrator / Building Inspector
- 12. Resolution 2014-225: Grant 90-Day extension of approval to Final Plat for DH Addition, quarter mile north of Angus Road on 234th Street. Donna Lynam, Zoning Administrator / Building Inspector

MOTION: Carlisle moved, seconded by Warren, to approve the Consent Agenda items as presented. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

REGULAR AGENDA

- 13. Public Hearings and Resolutions: Increase appropriations for the 2014FY for the following funds. Brian Hanson, Fiscal Administrator

	<u>Resolution:</u>	<u>Department:</u>	<u>Amount:</u>	<u>Transfer From:</u>
A.	2014-226:	E911 Wireless Service	\$2,000	Cash on hand

MOTION: After a public hearing, Carlisle resolved, seconded by Warren, to approve the resolution to increase appropriations as listed. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

B.	2014-227:	State Institutions	\$50,000	Inheritance Tax
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MOTION: After a public hearing, Carlisle resolved, seconded by Warren, to approve the resolution to increase appropriations as listed. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

C.	2014-228:	Stadium Bonds Public	\$15,000	Cash on hand
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MOTION: After a public hearing, Warren resolved, seconded by Richards, to approve the resolution to increase appropriations as listed. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

D.	2014-229:	Noxious Weeds	\$500	Cash on hand
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MOTION: After a public hearing, Richards resolved, seconded by Warren, to approve the resolution to increase appropriations as listed. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

14. Resolutions: Increase appropriations for the 2014FY various General fund budgets.
Brian Hanson, Fiscal Administrator

<u>Resolution</u>	<u>Transfer To:</u>	<u>Transfer From:</u>	<u>Amount:</u>
A. 2014-230:	County Court. Barb Pousson	Misc. General	\$ 10,000

MOTION: Carlisle resolved, seconded by Kelly, to approve the resolution to increase the fund budget as listed as additional appropriations are needed for the continued operation of the Department. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

B. 2014-231: Facilities Mgmt. Ross Richards	Jail Maintenance	\$ 10,500
	JJC Maintenance	\$ 3,500
	Sheriff Admin. Maint.	\$ 1,000
	Total Transfer:	\$ 15,000

MOTION: Warren resolved, seconded by Richards, to approve the resolution to increase the fund budget as listed as additional appropriations are needed for the continued operation of the Department. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

C. 2014-232: Extension. Brian Hanson	Misc. General	\$ 1,000
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MOTION: Warren resolved, seconded by Kelly, to approve the resolution to increase the fund budget as listed as additional appropriations are needed for the continued operation of the Department. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

D. 2014-233: Jail. Jeff Davis	Road Patrol	\$ 50,000
	Tow Lot	\$ 70,000
	Total Transfer:	\$120,000

MOTION: Carlisle resolved, seconded by Richards, to approve the resolution to increase the fund budget as listed as additional appropriations are needed for the continued operation of the Department. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

E. 2014-234: Vehicle Inspection. Jeff Davis	Sheriff Admin.	\$ 1,000
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MOTION: Carlisle resolved, seconded by Warren, to approve the resolution to increase the fund budget as listed as additional appropriations are needed for the continued operation of the Department. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

F. 2014-235: Human Services. Sharon Boehmer Misc. General \$120,000

MOTION: Warren resolved, seconded by Richards, to approve the resolution to increase the fund budget as listed as additional appropriations are needed for the continued operation of the Department. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

15. Resolution 2014-236: Authorize transfers for the 2014FY. Brian Hanson, Fiscal Administrator

Transfers to be Repaid in 2015 FY:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Inheritance Tax	State Institutions	\$ 60,000
Inheritance Tax	Adult/Alcohol Diversion	\$ 6,000
Inheritance Tax	FG Title ID	\$ 6,000
Inheritance Tax	State Education Reimbursement	\$150,000
Inheritance Tax	FG-LB561	\$ 7,000
Inheritance Tax	NE CASA Assn. Grant	\$ 4,000
Inheritance Tax	FG-Perkins	\$ 37,000
Inheritance Tax	FG-Traffic Enforcement	\$ 35,000
Inheritance Tax	FG-GIS Transportation	\$ 40,000
Inheritance Tax	Connection Fees	\$ 2,000
Inheritance Tax	Information Systems	\$ 85,000

Permanent Transfers:

<u>From:</u>	<u>To:</u>	<u>Amount:</u>
Inheritance Tax	General Fund	\$1,250,000
Landfill Bond Surplus	General Fund	\$ 769,734.70
Phase II Stormwater	General Fund	\$ 32,000
E911 Wireless Service	E911 Wireless Sinking	\$ 42,095.36

MOTION: Carlisle resolved, seconded by Warren, to approve the resolution which transfers funds to ensure that all funds have a positive balance at the end of the fiscal year. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

16. Resolution 2014-237: Authorize Chairman to sign confidentiality agreement with Bioresource Development, LLC regarding the collection, processing, and distribution of landfill gas. Mark Wayne, County Administrator

MOTION: Carlisle resolved, seconded by Warren, to approve the resolution for the agreement for a term of two (2) years as attached to the resolution. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

17. Resolution 2014-238: Authorize Chairman to sign interlocal agreement with Douglas County and City of Omaha to share costs of professional design services of Harrison Street from 147th to 157th Street. Denny Wilson, Engineer

MOTION: Carlisle resolved, seconded by Warren, to approve the resolution for the agreement to share costs of the previously approved professional services agreement with Olsson and Associates (Resolution 2014-174) for the design of Harrison Street from 147th to 157th Street. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

18. Resolution 2014-239: Adopt the 2014-2020 One and Six Year Road Program. Denny Wilson, Engineer

MOTION: Carlisle resolved, seconded by Richards, to approve the resolution which approves the road program as presented. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

19. Resolution 2014-240: Authorize Chairman to sign agreement with Fraternal Order of Police (FOP), Sarpy Lodge No. 3, Communications Department. Scott Bovick, Deputy County Administrator

MOTION: Carlisle resolved, seconded by Richards, to approve the resolution for the "collective bargaining" agreement providing a two-percent (2%) wage adjustment to the wage scale beginning July 1, 2014 through June 30, 2015. Ayes: Thompson, Richards, Carlisle & Warren. Nays: Kelly.

20. Resolution 2014-241: Authorize Chairman to sign agreement with Fraternal Order of Police (FOP), Sarpy Lodge No. 3, Law Enforcement -- Non-Sworn. Scott Bovick, Deputy County Administrator

MOTION: Carlisle resolved, seconded by Warren, to approve the resolution for the "collective bargaining" agreement providing a two-percent (2%) adjustment to the wage scale beginning July 1, 2014 through June 30, 2015. Ayes: Thompson, Richards, Carlisle & Warren. Nays: Kelly.

21. Resolution 2014-242: Authorize Chairman to sign agreement with Sarpy County Public Employees' Association. Scott Bovick, Deputy County Administrator

MOTION: Carlisle resolved, seconded by Warren, to approve the resolution for the "collective bargaining" agreement providing a two-percent (2%) adjustment to the wage scale beginning July 1, 2014 through June 30, 2015. Ayes: Thompson, Richards, Carlisle & Warren. Nays: Kelly.

22. Resolution 2014-243: Approve and adopt an updated salary schedule for management and non-union employees, assistant public defenders, and deputy county attorneys for fiscal year 2014-2015. Karen Buche, Human Resources Director

MOTION: Carlisle resolved, seconded by Richards, to approve the resolution and adopt the updated salary schedules for management, non-union County employees, assistant public defenders and deputy county attorneys reflecting a two-percent (2%) adjustment for fiscal year 2014-2015. Ayes: Thompson, Richards, Carlisle & Warren. Nays: Kelly.

23. Resolution 2014-244: Authorize correction to agreement with Blue Cross Blue Shield of Nebraska. Karen Buche, Human Resources Director

MOTION: Carlisle resolved, seconded by Warren, to approve the resolution to authorize the substitution of the attached "APP-ATT-EMPLOYER CONTRIBUTION AND MONTHLY CHARGES FORM" for the incorrect page within the Master Group Application Agreement approved by Resolution 2014-194. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

MOTION: At 3:44 P.M. Warren moved, seconded by Richards, to go into executive session to discuss the evaluation of the job performance of a person. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

Chairman Thompson restated for the record that the County Board would go into Executive Session to discuss the evaluation of the job performance of a person.

At 3:51 P.M. Chairman Thompson stated for the record that the County Board had gone into Executive Session at 3:44 P.M. during which their discussion was restricted to the evaluation of the job performance of a person and no formal Board action was taken.

MOTION: At 3:51 P.M. Richards moved, seconded by Warren, to return to regular session. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

24. Resolution 2014-245: Authorize Chairman to sign contract for County Administrator.
Brenda Carlisle, County Commissioner

MOTION: Carlisle resolved, seconded by Richards, to approve the resolution for the employment contract with Mark Wayne as County Administrator commencing on July 1, 2014 and terminating on June 30, 2017. Wayne shall be paid a salary at the rate of \$130,481.03 per annum beginning July 1, 2014. Salary shall be paid in equal installments in the same manner as other County exempt employees. Beginning July 1, 2015, Wayne shall be paid according to the then current Salary Schedule for Management and Non-Union Employees as duly adopted by the County Board of Commissioners at Grade 16 Step 8, and shall be entitled to annual increases pursuant to said Schedule as of July 1 of each subsequent year. Wayne shall be entitled all benefits available to appointed officials and department heads, as may be modified from time to time, as reflected on the existing benefit schedule which is attached as Exhibit "B". Effective July 1, 2014 (for August 2014 premiums) Wayne shall pay the same health and dental insurance premiums as may be required of other participating appointed officials hired after July 1, 2010. Other available benefits shall remain unchanged.

Discussion was held.

AMENDED

MOTION: Warren moved, seconded by Kelly to amend the previous motion and approve the contract with the removal of the following stricken item:

3. COMPENATION AND BENEFITS: The following compensation terms and benefits schedule apply during the term of the Agreement.
- 3.4 In addition to the compensation and benefits contained herein, Wayne shall also be entitled to such other benefits that are granted by the County Board of Commissioners to the heads of other County Departments and exempt managerial employees of Sarpy County. ~~Benefits related to the employee's ability to exchange accrued leave time for pay shall not change during the term of this contract.~~ Other such benefits may increase or decrease as may be required by law or by a change in the benefits available to department heads and exempt managerial employees.

Ayes: Kelly & Warren. Nays: Thompson, Richards & Carlisle.

MOTION FAILED.

AMENDED

MOTION: Warren moved, seconded by Kelly to make an additional amendment to the resolution and strike all of section 5.6 regarding Termination from the contract.

5.6 ~~In the event of termination of employment by SARPY for any of the reasons delineated in Subparagraphs 5.1 or 5.2, written notice of such termination shall be given to Wayne one hundred and eighty (180) days prior to the desired termination date. Wayne may remain in his position with SARPY for the one hundred and eighty days prior to the termination date and shall use his best good faith efforts to aid in the transition period. Wayne shall be paid for the actual time worked prior to and including the termination date. Nothing in the Agreement shall be deemed to limit any other rights and remedies which SARPY may have against Wayne.~~

~~During the first year of the contract term, termination "for cause" under Subparagraph 5.2 shall be effective for one hundred eighty (180) days after notice of the termination date, whichever is later.~~

Ayes: Kelly & Warren. Nays: Thompson, Richards & Carlisle.
MOTION FAILED.

ORIGINAL

MOTION VOTE: Ayes: Thompson, Richards & Carlisle. Nays: Kelly & Warren.

25. Adjournment.

MOTION: At 4:15 P.M. Carlisle moved, seconded by Kelly, to adjourn until July 1, 2014 immediately following the Sarpy County Board of Equalization Meeting to be held at 3:00 P.M. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

Attest:

Jim Thompson, Chairman
Sarpy County Board of Commissioners

Debra J. Houghtaling,
Sarpy County Clerk