

Chairman Burke called the meeting to order in the Board Room, second floor of the County Courthouse, 515 Box Butte Ave., Alliance, NE at 9:02 a.m., February 21, 2023, following an opening prayer. Notice of meeting was published February 15, 2023, in the Alliance Times Herald. Affidavit of publication has been received in the office of the County Clerk. Agenda was emailed and posted on the county's website: boxbuttecountyne.gov, February 17, 2023. Roll call: Brett Ditsch, present; Steve Burke, present. Martie Burke, County Clerk, recorded the proceedings of the meeting. County Attorney Marissa Curtiss and Deputy County Attorney Terry Curtiss were present. Following the Pledge of Allegiance, Chairperson Burke acknowledged that this meeting will follow the open meeting act posted on the North wall of the County Board Room. Burke moved to accept the agenda as printed, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried. No public comment on the agenda items. Burke moved to approve the February 6, 2023 minutes, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried. Burke moved to accept and sign the Sheriff's monthly report for January, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried. Correspondence was acknowledged and available for public view. Commissioners reported on meetings they had recently attended.

Burke moved to approve and sign claims as presented, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Deputy County Attorney Curtiss presented the Board with an updated road dedication that included the adjacent property owner's signatures. Curtiss stated that this is being done to clean up a title issue, as Box Butte County is already maintaining the road. Burke moved to accept the Road Dedication of CR 79 North of Cass Road, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

County Attorney Curtiss has been working with the Morrill County Attorney to develop an Interlocal Agreement for Box Butte County to provide Child Support Enforcement Caseworker services for Morrill County. Box Butte County will receive quarterly payments and invoice Morrill County on a monthly basis. Commissioner Burke would like Ms. Curtiss to start tracking staff hours dedicated to both Morrill County and Box Butte County in order to complete a cost analysis to determine if a pricing increase is necessary at renewal time. Burke moved to accept Agreement 2023-03, Interlocal Agreement for Child Support Enforcement Caseworker Services, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

At the request of the Board, County Attorney Curtiss prepared an Inclement Weather Procedure to be reviewed and/or modified on an annual basis. Burke moved to adopt the Inclement Weather Procedure with the committee consisting of County Assessor Michelle Robinson, County Treasurer Val Bell, and Commissioner Ditsch, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Road Superintendent, Barb Keegan, provided a road and equipment report. After assessing the condition of the 2000 JD 770CH (2300) and repair costs, Burke moved to declare the 2300 surplus to be sold on Purple Wave, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried. Discussion was held on the total amount of cold mix needed for the year and the best options available to repair Dodge Road East of the 16-mile corner. For the time being, armor coating the road is the most feasible option available. Burke moved to allow Keegan to go out for bid for hauling rock for up to 10 miles of armor coat, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried. Bids must be received in the Clerk's office by 4:00 p.m. on March 15th to be awarded during the March 20th meeting. The Nebraska Department of Transportation performed their annual evaluation of Keegan's bridge inspections. Keegan passed both inspections with respective scores of 100% and 98.3%.

Caleb Johnson, J13 Enterprises, LLC, presented a letter of engagement for budget preparations for the 2023-2024 fiscal year. This agreement is for one-year of service at the flat rate of \$3,700.00. Prior years have included a multiyear option, due to fluctuating costs Johnson has moved to a one-year option. If Johnson is required to be present for a LB644 hearing, his rate will be an additional \$85.00/hour plus mileage. Burke moved to approve Agreement 2023-05 the Letter of Engagement for Budget Preparation, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Johnson consulted on the upcoming Highway Bond payment. A timing issue has been identified, as a direct result, the July 1, 2023 payment will need to be made from the 2022-2023 budget. In order to accomplish this, it has been recommended that the payment in the amount of \$267,778.75 be made directly out of the Inheritance Fund. As \$350,000.00 was budgeted to be transferred to the Highway Bond Fund with the intent of not being paid back, the difference of the two will be transferred in the amount of \$82,221.25. This matter will be further discussed June 5, 2023.

Deputy Attorney Curtiss has been in contact with Architect Jerry Berggren about amendments to the proposed elevator agreement. Burke moved to confirm rescinding the contract with KONE and signing the mutual release to refund the down payment, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Burke moved to approve the proposed agreement with Berggren Architects with the February 21, 2023 amendments to include “All bidders shall perform such testing, inspection and inquiry into building and site conditions as are usual and customary for the scope of work undertaken to ascertain the conditions and requirements of construction. If the successful bidder fails to do so, and the presence of such conditions or defects causes added expense or delays the construction, the bidder shall be liable, therefore. Defects or conditions unknown or undisclosed by Owner not discoverable by such due diligence prior to submission of bids and acceptance by Owner shall not be the responsibility of Bidder” be included in the bid documents. The Owner-Architect Agreement to state that architect is responsible for assuring the new elevator is ADA compliant upon completion, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

County Attorney Curtiss has reviewed the UNL Interlocal Agreement noting that is very similar to the previous agreements, it just includes more formal language and does not include any change in rates. Burke moved to approved Agreement 2023-02 the UNL Interlocal Agreement for Cooperative Extension Services, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Commissioner Burke has been notified by Region 1, that they have received the Opioid Settlement funds from the original settlement. Burke moved to approve signing the National Opioid Settlements for Teva, Allergan, CVS, Walgreens, and Walmart with the year one funds to be reallocated to Region 1 Behavioral Health Authority, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

The State of Nebraska would like to standardize the equipment and technology utilized throughout the court systems of Nebraska. County Attorney Curtiss noted that by assuming responsibility of the equipment, the County would be responsible for future repairs and replacement of said equipment outside of the five-year warranty. Burke moved to approve Agreement 2023-04 the Memorandum of Understanding Nebraska Courtroom Technology Transfer of Ownership, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

As a part of the technology upgrades, additional wiring work will need to be done prior to the courtroom upgrades. District Court has requested additional ARPA funds to cover these expenses. The Board does not have a problem with the additional expenses, but would like to see the final numbers for the project. The Veteran’s office has reached out to Walter Mischnick Contractors to obtain an estimate for the construction of a wall and implementation of glass at the front counter for security purposes. Commissioner Burke spoke with Jack’s Heating Cooling and has been assured that this project will not cause problems with the airflow of the existing HVAC system. Burke moved to table this matter until the ARPA Committee can review the project and make a recommendation, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

The Secretary of State office has been advocating for county election offices to implement a free cyber assessment provided by CISA. Several upcoming grants require this assessment to be fully operational in order to qualify for funding. Burke moved to allow the CISA Cyber Hygiene Assessment, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Building and Grounds employee, Lori White, continued to discuss snow removal issues including the front curb to street area. Commissioner Burke would like White to contact the Commissioners in the future prior to calling in the Road Department to remove snow from the City streets.

Chairman Burke called recess at 11:55 a.m.

Chairman Burke resumed the meeting at 12:10 p.m., with roll call: Brett Ditsch, present; Steve Burke, present.

Public Defender, Enet Somers-Dehaney, declined to appear before the Board to discuss the Public Defender’s budget, no action taken.

Chairman Burke called recess at 12:30 p.m.

Chairman Burke resumed the meeting at 1:00 p.m., with roll call: Brett Ditsch, present; Steve Burke, present.

Burke moved to open the 1 & 6 YEAR ROAD PLAN HEARING at 1:00 p.m., seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried. Those in attendance were Commissioners Ditsch and Burke, County Clerk Burke, and County Attorney Curtiss. Road Superintendent Barb Keegan provided legal publications for the hearing and a summary of the projects completed in 2022. The Commissioners and Road Superintendent discussed upcoming projects and the associated costs of each proposed project. Doug Hashman, 1553 CR 63, Alliance, NE 69301, requested additional maintenance be done to the rock located at CR 68 and Lincoln Rd and a culvert needs to be installed at CR 68 and Lincoln Rd. Kay Bakkehaug, 1454 Boise Ave, Alliance,

NE 69301, spoke about the CR 61 and Sarpy Rd needing additional maintenance as the majority of the rock is gone. Burke moved to close the 1 & 6 YEAR ROAD PLAN HEARING at 2:05 p.m., seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

Burke moved to adopt Resolution 2023-03 approving the 1 & 6 year road plan for Box Butte County as modified in Exhibit A, seconded by Ditsch. Ditsch, yes; Burke, yes. Motion carried.

With all agenda items addressed, Chairman Burke adjourned at 2:10 p.m.

Jess Burke
Chairperson

Attest: *Mob R Bho* 3-6-23
County Clerk

