

**HARLAN COUNTY BOARD OF SUPERVISOR'S
REGULAR MEETING MINUTES
From November 7, 2023**

The Harlan County Board of Supervisor's met in regular session Tuesday, November 7th, 2023, in the Supervisors Room, of the Harlan County Courthouse in Alma, NE, as advertised, with Supervisor's Chris Schluntz; Max Schultz; Mike Clements; Cindy Boehler; Jeff Bash; Ron Imm; and Tony Gulizia present. Also present were Clerk, DaLynn Burgeson; Highway and Weed Superintendent, Tim Burgeson; Assessor, Kim Fouts; Interim County Attorney, Melodie Bellamy; and Treasurer, Sandy Artz.

At 9:46 a.m., Chairman Gulizia called the meeting to order and announced that there is a copy of the Open Meetings Act posted at the south end of the room and will be followed by the Board.

The Pledge of Allegiance was recited.

Chairman Gulizia asked the Board if they had reviewed the claims. Road department's claim for an interfund transfer of \$35,000 from inheritance tax fund to road fund was approved. Discussion was held on fund balances. Motion was made by Schluntz to approve the payroll claims/claims as submitted. Seconded by Clements. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried.

At 10:00 a.m. Chairman Gulizia opened the business meeting and asked the Board if they had reviewed the Minutes from the October 17th, 2023, regular Board meeting and called for any additions or corrections. There were no additions or corrections. Motion was made by Boehler to approve the minutes from October 17th, 2023, as presented. Seconded by Schluntz. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried.

Chairman Gulizia addressed the Board and citizens from the public pursuant to a letter dated October 16, 2023, received via email from the Harlan County Senior Services Board to the Supervisors terminating the Senior Center's role as Sub Award for the Harlan County Transit effective 11-30-2023. Chairman Gulizia welcomed the members of the community in attendance and proceeded. Gulizia advised that Supervisors Mike Clements and Cindy Boehler along with himself, have been speaking to and met with Doris Brandon, Bonnie Kresser and Charlie Lyons of the senior center starting a week ago Tuesday (Oct. 31) regarding the concerns, challenges, and state and federal level changes that occurred from last year. Discussion was held in an attempt to negotiate how to keep the highly needed transit services available to Harlan County senior citizens. As part of the negotiations, Clements, Boehler and Gulizia contacted Carrie Ruse with the Nebraska Department of Transportation to inquire about the County funding the transit service by paying, in advance, an annual lump sum payment and to make sure that all requirements would be met for audit purposes. Ms. Ruse advised that a lump sum payment could be made to the senior center as long as the center had a separate bank account set up for said transit funds. The County's CPA was contacted to make sure that the County could provide the advanced lump sum payment as being negotiated in order to meet the County's budget and audit requirements. CPA advised that the County could do this and explained what would be necessary. The County budget would not need to be amended as a resolution moving the funds would be appropriate in this situation. Also, the County would need to receive adequate documentation from the senior center showing how the County funds paid to the senior center were being spent (by invoices, receipts, payroll records, etc.). Clements, Boehler and Gulizia then spoke with Bonnie Kresser and Doris Brandon last Thursday (Nov. 2) and provided the information for continued negotiations. It was expressed that this information was gathered in good faith for both the senior center and the County to avoid over or under funding as the funding is coming from taxpayer dollars. Chairman Gulizia expressed that he felt this would be a positive avenue to go down to keep the transit operatable due to the importance that it provides and by working together we would be able to ensure the transit services to the citizens of Harlan County. Clements advised that there would be two lump sum payments made, one for the transit and one for the senior center. Boehler explained that the reason that this matter wasn't addressed sooner was because

the Board of Supervisors received the email the morning of the last board meeting so it could not be acted upon or discussed on October 17th but that they had been in contact with Bonnie Kresser and Doris Brandon. Today was the first time the entire Board of Supervisors had met since the last meeting. Further discussions were held related to budgeting, claim deadlines and conflicting board meeting day and times. Interim County attorney, Melodie Bellamy, spoke about the budgeting and advised that the senior center is not an entity of the county, that it is a non-profit organization, and therefore, would not have received the same budgeting worksheets as the county offices received during budget time. She also explained why, pursuant to the open meetings act, the whole Board of Supervisors had not met, or all been involved in calls previously in this regard. Clerk Burgeson explained that the deadline for claims is noon on the Tuesday prior to the board meeting but that the deadline had been waived for the senior center due to the timing of their board meeting and that claims had been accepted and could be accepted up until Thursday afternoon to still be able to get claims finalized and to the board the following day. Further that, upon receipt of the claim it went before the County board for approval and payment. Question was what happens if the Senior Center does not accept the proposed funds from the County and what, then, is the County's role? Bellamy said the County role could be to find someone or an entity to take over the transit and that she has done some research and there are other feasible options out there, but she is in hopes that a resolution can be found, and the Senior Center will continue to provide the transit services. Supervisor Schluntz expressed his concern on why Bonnie Kresser and Doris Brandon were not in attendance today with the seriousness of discontinuing the transit services and the effect it will have on the Harlan County senior citizens. One representative from the Senior Center Board acknowledged being in attendance. Chairman Gulizia said that both Kresser and Brandon indicated to him that they both had prior commitments and wouldn't be available to attend. The County Board addressed comments and questions from the public. A question was asked about "Is this a one-time situation?" The UEI number has been reinstated and gets renewed yearly, so how long would the proposed funding carry the senior center through? Schluntz advised that the senior center wants the funds in a lump sum to avoid the monthly process so the funding would be through the current budget year ending June 30th, 2024. Another question was why this was an issue now and not an issue before the changing of clerks. Interim County attorney, Bellamy, explained that the clerk must be cognizant to legal deadlines and processes for the County to be able to meet mandatory audit requirements and that some changes have been made accordingly. Boehler suggested for all to attend the Senior Center Board meeting on November 14th, 2023, at 1:00 p.m. In conclusion, Chairman Gulizia provided that the local match funding would be through the County's general fund and that the offer being made should accommodate the senior centers variances in expenditures from month to month, that 100% of the transit and senior center costs should be covered through June 30th, 2024, by paying a lump sum to avoid the monthly claim process and that in order for the County to meet its audit requirements, the senior center would need to provide adequate expenditure documentation as required. Gulizia was advised that there has been a substantial increase in people that come to the senior center for meals and that the proposed amount allows a cushion to accommodate. Payment to the senior center would be a check to the transit account and a check to the senior center. The offered amount is based on needed funds provided by the senior center which comes to almost \$62,000 and since the County has already paid just over \$11,000 in this budget year, \$50,000 would be the offered amount which for the two checks would be a 60/40 split. 60% for senior center \$30,000; 40% for transit \$20,000. In moving forward after this budget year ending June 30th, 2024, the senior center budget process starts in March and the County's in July so the senior center should have new funding amounts to provide the County for establishing funding for the 2024-2025 budget year. Motion was made by Boehler to approve a total payment of \$50,000 to the Harlan County Senior Center (\$20,000 to transit & \$30,000 to senior center) upon approval of the senior center. Seconded by Clements with a friendly amendment suggested by Bellamy and agreed upon by Clements. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried.

Harlan County Health Systems' two board members with expired terms were discussed. Chairman Gulizia spoke with Dusty Frasier regarding reappointment and Dusty Frasier indicated he would accept. Boehler spoke with Doris Brandon regarding her reappointment and Doris Brandon indicated she would accept. A motion was made by Imm to reappoint Dusty Frasier and Doris Brandon as members of the Harlan County Health Systems Board. Seconded by Boehler. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-abstain; Imm-yes; Gulizia-yes. Motion carried.

Emily White, previous Tourism Director, had budgeted funds for assistance with the repair/replacement of the gazebo located at the start of the walking trail on South Street damaged by storm with high winds. Discussion was held regarding the replacement of the gazebo, the City of Alma and Rotary funding the project also and some further funds possibly available in a tourism account at Banner Capital Bank. This was tabled to gather further information.

Clerk Burgeson provided an update from the NIRMA conference that she attended Oct. 19th-20th in Kearney in which she accepted, on behalf of the County, a dividend check for \$1966.00 and advised of the additional dividend funds to be distributed if the County recommits for another three years. Courthouse snow removal was discussed. Chairman Gulizia will check into this. Vyve is requesting the agreement for the upgrade to the Gen II phones be approved and signed before proceeding with training. Supervisors want to review the agreement. Recording device options to possibly record board meetings were discussed with the possibility of having a phone system in place also. County Attorney, Bellamy, addressed the County implementing a policy/procedure for recording and or videoing board meetings. Further information to be gathered. Courthouse cleaning service and return of the keys was discussed. Building and grounds will seek an interim cleaning service until one can be hired. (Application deadline December 1, 2023). County employee handbook policy for insurance during unpaid leave was discussed. County Attorney, Bellamy read the language she drafted for the board to consider.

BOARD OF EQUALIZATION. At 11:46 a.m., a motion was made by Boehler to go into Board of Equalization. Seconded by Bash. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. Assessor Kim Fouts came before the Board with tax list corrections #1404 and 1405 and explained the corrections needed. Motion was made by Boehler to approve tax list correction #1404. Seconded by Clements. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. Motion was made by Clements to approve tax list correction #1405. Seconded by Bash. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. Assessor Fouts presented the Board with a list that contained 19 parcels of ag land that needed to be corrected due to an error when evaluating the soil type. Motion was made by Bash to approve the corrected valuations for the 19 parcels of land. Seconded by Boehler. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried.

Motion was made by Boehler to exit Board of Equalization. Seconded by Bash. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. The Board returned to regular session at 11:52 a.m.

Treasurer Sandy Artz presented the Board with a 2022 Distress Warrant report totaling \$13,243.17 that she provided to the Harlan County Sheriff's Office for serving. While the Board was reviewing the report, Artz inquired about a check received on October 27th from the Road Department for the proceeds of sale in the amount of \$9800 for the three surplus vehicles sold. It was agreed by the Board that the funds should be moved from the holding fund and placed in the general fund. Discussion was also held on the possibility of having hot water available in the restrooms.

Highway and Weed Superintendent, Tim Burgeson, came before the Board with a ROW agreement #2023-8 submitted by Nathan Christensen to trench a waterline under a minimum maintenance road. Burgeson advised that he received a response from the railroad for the F Road bridge project. Copies of the response were provided to the Board to review. Discussion was held. The Board agreed and advised Burgeson to proceed with the F Road project. Burgeson provided an update on the annual weed evaluation that he had and received a perfect score on. Burgeson advised that he placed the job ad for the “floater” position on the radio and it will be published in the Holdrege Citizen also. Burgeson updated the Board on septic tank issues he’s having at the new office, that mower tractors are currently out mowing, that a road employee is out due to a non-work-related injury and that snow fence has been put out.

County Attorney vacancy. Chairman Gulizia announced that there would only be one interview for the position. Attorney, Richard Calkins would not be interviewing or applying for the position. Attorney Melodie Bellamy interviewed before the Board. There were questions and discussions held. Chairman Gulizia advised the Board that a hiring decision did not have to be made today, that time could be allowed to think about it and suggested a decision be made at the next board meeting November 21st, 2023. Ms. Bellamy was thanked for her time and interest in the position.

Courthouse custodial position. Building and grounds committee is seeking someone to clean the courthouse until the position is filled. They have a meeting with someone today.

Chairman Gulizia announced that there was an informational article in the Harlan County Journal regarding the Lady Liberty statute.

Chairman Gulizia announced that County Government Day was tomorrow and that he would not be able to attend. Supervisor Boehler agreed to speak on behalf of the Board of Supervisors.

At 1:07 p.m., a motion was made by Bash to go into executive session for a personnel matter. Seconded by Boehler. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. Only the Board of Supervisors were present during the executive session. At 1:29 p.m., a motion was made by Clements to exit the executive session. Seconded by Boehler. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. The Board returned to regular session.

Attorney Melodie Bellamy and Clerk Burgeson returned to the meeting. The Board asked Ms. Bellamy a few more questions related to the County attorney position. A motion was made by Clements to hire Melodie Bellamy as the Harlan County Attorney for the remainder of the term. Seconded by Boehler. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. Melodie Bellamy was welcomed as the new County Attorney for Harlan County.

With no further business and no citizens from the public present, a motion to adjourn the meeting was made by Boehler. Seconded by Bash. Roll call votes: Schluntz-yes; Schultz-yes; Clements-yes; Boehler-yes; Bash-yes; Imm-yes; Gulizia-yes. Motion carried. Meeting was adjourned at 1:48 p.m.

The next regular meeting will be held November 21st, 2023, at 9:45 a.m. for consent agenda items and 10:00 a.m. for business agenda items.

ATTEST:

/s/ DaLynn Burgeson, County Clerk

/s/ Tony Gulizia, Chairman

Agenda & Minutes can be found on the County website: harlancounty.ne.gov

CLAIMS:

GENERAL: Payroll \$102,850.03 / Claims \$129,969.51 including; Darcie Porter-Phone allowance \$45.00; Daake Law Office-Public Defender Salary \$4375.00; Whitney Schroeder-Child Support Enforcement Salary \$1100.00; Sandy Artz-Insurance Rebate \$61.00; Brittany Artz-Insurance Rebate \$34.39; Michael Eckmann-Insurance Rebate \$17.20; Chad Hopkins-Insurance Rebate \$44.66; Jessica Martin-Insurance Rebate \$23.13; Katie Ring-Insurance Rebate \$24.43; Tucker Spellman-Insurance Rebate \$23.02; Region III Behavioral Health \$2,015.41. **General Fund total:** \$129,522.11. **ROAD FUND:** Payroll \$35,979.45 / Claims \$31,117.98; **Road Fund total:** \$67,097.43. **TOURISM** Emily White-Admin Salary \$1200.00. **INHERITANCE TAX FUND.** Interfund transfer to Road Department \$35,000. **Grand total: \$232,819.54**