

# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 12, 2021 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 12, 2021 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme, Ben Rutten and Jon Lindgren. Notice of the meeting was given in advance by publication in the Albion News and Boone County Tribune and the Petersburg Press on April 7, 2021 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, April 9, 2021. Chairman Temme acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

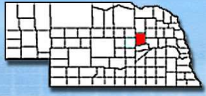
The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 747 in the amount of \$86.00 submitted for a subscription renewal. The Board discussed the two year subscription renewal request as being pre-paid too far in advance due to the current subscription was paid in September 2020 and expires in October 2021. Motion made by Rutten, second by Temme to deny Vendor ID No. 747 a two year subscription renewal in the amount of \$86.00, due to pre-paying too far in advance of the current subscription expiration. Roll call vote: Yeas: Rutten, Temme and Lindgren. Nays: None. Motion carried.

Motion made by Temme, second by Lindgren to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the Vendor ID No. 747 denied as stated above: General - \$68,224.29; Road/Weed - \$207,550.43; Inheritance Tax (2700) - \$54,500.00; 911 Emergency Management (2910) - \$497.03; 911 Wireless Service (2913) - \$458.57; 911 Wireless Service Holding (2914) - \$11,212.00; and Ambulance - \$6,232.19. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Lindgren to approve an Accounts Payable Vendor Claim filed for payment on the General Fund for Vendor ID No. 1399 in the amount of \$23.65 and the Road Fund for Vendor ID No. 1399 in the amount of \$19.63, a non-exclusive open contract for purchases for the county. Roll call vote: Yeas: Rutten and Lindgren. Nays: None. Abstain: Temme. Motion carried.

Motion made by Rutten, second by Lindgren to approve the County Board Proceedings of March 29, 2021 as presented. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board 2021 One and Six Year Road Improvement Program Public Re-Hearing Proceedings of March 29, 2021 as presented. Roll call vote: Yeas: Temme, Rutten and Lindgren. Nays: None. Motion carried.



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Motion made by Rutten, second by Lindgren to approve the following reports of the County Officials as presented for March 2021:

- Clerk - \$17,909.75 (State of Nebraska \$10,661.30)(County of Boone \$7,248.45)
- District Court - \$1,109.30 (State of Nebraska \$386.00)(County of Boone \$723.30)
- Sheriff - \$3,044.08
- Planning & Zoning - \$125.50
- Treasurer - Miscellaneous Receipt Nos. 18474-18593 - \$1,999,472.16
- Treasurer - Total Collections - \$3,191,481.57

Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00 per the January 2021 Board Reorganizational Meeting Proceedings.

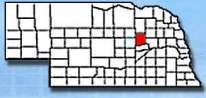
The Board reviewed a quote submitted from the Boone County Assessor's office for two new desks from Eakes Office Solutions. Motion made by Rutten, second by Lindgren to approve and authorize the County Assessor to purchase two new desks from Eakes Office Solutions for approximately \$6,874.64. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The Boone County Court and District Court are a combined office as of April 1, 2021 and the employees are state employees. Motion made by Temme, second by Lindgren that the depository for the County of Boone, Boone County District Court Account (710) and Appeal Bond Account (664) will be the Cornerstone Bank of York, Albion Branch, with Lisa Langan and Kathleen Yrkoski as signees authorized to exercise the powers for said account retroactive to April 1, 2021. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Lindgren that the depository for the County of Boone, Boone County Imprest Payroll Account (547) will be the Cornerstone Bank of York, Albion Branch, with Commissioners Larry Temme, Ben Rutten, Jon Lindgren and County Clerk's office Sarah Robinson, Cheryl Young and Lorrie Nicklasson as signees authorized to exercise the powers for said account effective May 1, 2021. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

Motion made by Lindgren, second by Rutten that the depository for the County of Boone, Boone County Clerk Account (554) will be the Boone County Bank, A Division of Madison County Bank, Albion, Nebraska with Sarah Robinson, Cheryl Young and Lorrie Nicklasson as signees authorized to exercise the powers for said account effective May 1, 2021. Roll call vote: Yeas: Lindgren, Rutten and Temme. Nays: None. Motion carried.

Motion made by Lindgren, second by Rutten that the depository for the County of Boone, Boone County Imprest Vendor Account (603) will be the Boone County Bank, A Division of Madison County Bank, Albion, Nebraska with Commissioners Larry Temme, Ben Rutten, Jon Lindgren and County Clerk's office Sarah Robinson, Cheryl Young and Lorrie Nicklasson as signees authorized to exercise the powers for said account effective May 1, 2021. Roll call vote: Yeas: Lindgren, Rutten and Temme. Nays: None. Motion carried.



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The Board reviewed the Boone County Treasurer report from the public sale of delinquent real estate tax in Boone County that was held on Monday, March 1, 2021 per Nebraska State Statute. There were four investors at the public sale. Motion made by Temme, second by Lindgren to accept the Boone County Treasurer delinquent real estate taxes for 2019 and prior report as submitted. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

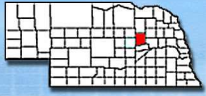
The 2020-2021 County budget was adopted on September 14, 2020 and Resolution No. 2020-30 was approved on September 28, 2020 authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) to the Road Fund (0200) for the 2020-2021 Tax Year on an as needed basis. In accordance with the Nebraska State Auditor of Public Accounts the Board is to authorize the dollar amount for the County Treasurer to transfer. Motion made by Temme, second by Lindgren to approve and authorize the Boone County Treasurer to transfer the amount of two million dollars (\$2,000,000.00) from the General Fund (0100) to the Road Fund (0200) for the 2020-2021 Tax Year. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Temme, second by Lindgren to accept and approve the resignation of Ashley Pedro effective April 13, 2021 as submitted. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

The Board received and reviewed a County funeral/burial request. Motion made by Rutten, second by Lindgren to approve the maximum amount that the County provides, per resolution, for an individual (county resident) funeral/burial expense paid directly to Levander Funeral Home. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

Fees set by Nebraska State Statute for each respective office are to be collected and deposited by the respective office according to state statute. Nebraska State Statute Chapter 84 allows custodians of public records to charge a fee for providing copies of public records and services that are not set by Nebraska State Statute. Nebraska State Statute Chapter 53 allows the County to impose occupation taxes on the business licensed under the Nebraska Liquor Control Act. It is the desire of the County to establish reasonable fees for occupation taxes on liquor licenses; road easements/signage; road materials; public service requests, etc. The fees collected that are not set by Nebraska State Statute are to be set in a resolution by the County Board. All fees set by Nebraska State Statute for each respective office are to be collected and deposited by the respective office according to statute. In addition, all fees collected that are not set by state statute are to be turned over to the Boone County Treasurer and the collected fees shall be credited to the respective fund. Motion made by Temme, second by Lindgren to approve Resolution No. 2021-12, effective April 12, 2021 and shall void and take precedence over Resolution No. 2020-44 and any and all prior policies and agreements, written or verbal that pertained to official office fees not set by Nebraska State Statute. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

The Board reviewed information they received in regard to becoming a Second Amendment Sanctuary County. The Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms. It is the desire of the County Board of the County of Boone, Nebraska to declare its support of the Second Amendment to the United States Constitution and the Nebraska Constitution protecting citizens' inalienable and individual right to keep and bear arms. Motion made by Temme, second by Lindgren to approve Resolution No. 2021-13, affirming the right to bear arms and support decisions by the Boone County Sheriff to defend the Constitution of the United States and the Constitution of the State of Nebraska. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.



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The Board reviewed a resolution that was approved on October 28, 2019 that appointed Stacey L. Ziemba, Boone County Highway Superintendent, to do a feasibility study in regard to the vacation of a portion of county road known as 320<sup>th</sup> Avenue. As of April 12, 2021 the feasibility study by the Boone County Highway Superintendent has not been completed and a portion of 320<sup>th</sup> Avenue is in the Kaufmann Farm, LLC v. County of Boone, Nebraska Case ID: CI 20-36. Motion made by Rutten, second by Lindgren to approve Resolution No. 2021-14, that the governing body, Boone County Board of Commissioners of the County of Boone, Nebraska, hereby rescinds all of Resolution No. 2019-41 and all prior Board of Commissioner proceedings, pertaining to a feasibility study in regard to the vacation of a portion of a county road known as 320<sup>th</sup> Avenue. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance and projects. In addition, the following was discussed:

- The new break room structure (14' x 36') for the County Road District #1, Cedar Rapids shop building has been delivered to the site by Premier Portable Buildings of Norfolk, Nebraska.
- Updated the Board of the Pilot Knob FEMA bridge project.
- Discussed applying dust control product from Spud Trucking, LLC after grinding the asphalt on 205<sup>th</sup> Street, Loretto west of State Highway #14 to the bridge.
- Discussed applying dust control product from Sinclair Sand & Gravel, Inc. on a portion of 250<sup>th</sup> Street northeast of Albion.

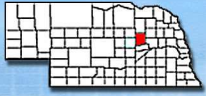
The Board moved the Board meeting from the Commissioners Meeting Room to the County Courtroom to accommodate the public in attendance for the agenda item regarding re-classification of local road to minimum maintenance road.

A group of nine concerned citizens met with the Board; County Highway Superintendent; and Brian McDonald, Engineer with JEO Consulting Group, to discuss the re-classification of local road to minimum maintenance road that was discussed at the March 22, 2021 Board meeting. The approximate six miles of county roads discussed are in the townships of North Branch Shell Creek West and North Branch Shell Creek East. The classification for the roads of concern are collector and local roads. Collector roads are the main school bus routes, mail routes and farm-to-market routes. Local roads shall consist of all remaining rural roads, except minimum maintenance road and remote residential roads. Paul Kettelson spoke on behalf of the group present and submitted written information to the Board to review regarding the citizens' concerns if portions of 170<sup>th</sup> Street; 270<sup>th</sup> Avenue; and 280<sup>th</sup> Avenue are reclassified as minimum maintenance roads. A lengthy discussion included road maintenance, culverts/bridges, possible undermining of bridges; the area has several underground springs, Shell Creek carries an abundance of water after a rain; and a school bus was stuck in March 2021 on 290<sup>th</sup> Avenue. The group thanked the Board for the opportunity to present their concerns.

The County Highway Superintendent recommended that the said roads be left as they are presently classified. The Board and County Highway Superintendent thanked the group of citizens and appreciated them for bringing the road/bridge conditions to their attention. Motion made by Temme, second by Lindgren to deny reclassifying the approximate six miles of county roads located in the townships of North Branch Shell Creek West and North Branch Shell Creek East. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

The Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc. discussed several concrete overlay projects on March 15, 2021 and said concrete overlay projects were





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advertised for bid letting in the Albion News and Boone County Tribune to open sealed bids on Monday, April 12, 2021. One sealed bid with Bid Bond was received for said concrete overlay projects: A & R Construction Co. of Plainview, NE - \$2,433,134.82. The bids were divided into three groups: Group A for \$595,091.40 for 265<sup>th</sup> Street (Cemetery Road); Group B for \$1,270,389.25 for Albion area (Country Club and Fairgrounds area roads); and Group C for \$567,654.17 for 220<sup>th</sup> Avenue (Airport Road). McDonald explained that the plan is a six inch concrete overlay where asphalt was ground and eight inch concrete overlay where there was no asphalt to grind. In discussion, McDonald said that a change order can be made to add the one mile of 145<sup>th</sup> Street, Petersburg. Motion made by Temme, second by Lindgren to accept and recommend approval of the A & R Construction Co., of Plainview, NE bid for the concrete overlay projects of approximate four miles for approximately \$2,433,134.82, and a change order for one mile of 145<sup>th</sup> Street, Petersburg, dependent upon full review of the construction cost bid by Brian McDonald, JEO Engineer. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

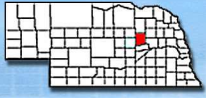
The Board advertised for road gravel and aggregate, culverts, bridge planks, grader blades and other materials in the Albion News and Boone County Tribune. The Board received three bids/quotes for gravel and other aggregate. The bid/quotes received were from Kerford Limestone Co., Martin Marietta and Spud Sand and Gravel. No bids/quotes were received for culverts, grader blades, etc. Motion made by Temme, second by Rutten to reject any and all bids and that the county will continue purchasing road gravel and aggregate, culverts, bridge planks, grader blades and other materials as needed at the available price and quality on the open market. Roll call vote: Yeas: Temme, Rutten and Lindgren. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, presented an estimate for crack sealing of approximately 12 miles of asphalt roads for the Board to review. The Board discussed adding the Cedar Rapids Cemetery Road to the estimate for crack sealing. Motion made by Temme, second by Lindgren approving the estimate of \$21,990.00 for crack sealing of asphalt roads from Bader's Highway & Street of Norfolk, NE and authorized the County Highway Superintendent to add the Cedar Rapids Cemetery Road to the Bader's Highway & Street of Norfolk, NE estimate. Roll call vote: Temme, Lindgren and Rutten. Nays: None. Motion carried.

The County Highway Superintendent prepared a Non-Exclusive Contract For Services for each of the interested truckers to back-haul aggregate/crushed rock for the County. The contracts are for the year 2021 with the contractor compensation being \$7.00 per ton for road gravel (as needed basis only) and \$11.00 per ton for other aggregate. The interested truckers needed to attach a copy of the truck driver's CDL and Certificate of Liability Insurance coverage to the contract. In addition, the back-hauler is to contact the County Highway Superintendent before any load is accepted by Boone County. The Board reviewed the Non-Exclusive Contract for Services submitted by Corey Dobson/Dobson Transfer, LLC. Motion made by Rutten, second by Lindgren to authorize the Board Chairman to sign the Non-Exclusive Contracts for Services for Corey Dobson/Dobson Transfer, LLC as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The Board, Highway Superintendent and Brian McDonald, Engineer with JEO Consulting Group, Inc. discussed repair to a box culvert on 120<sup>th</sup> Avenue in the Akron area west of Albion. McDonald informed the Board that the plan is to obtain three quotes for the material for the box culvert and said quotes to be opened on April 26, 2021.

Stacey Ziemba, County Highway Superintendent, presented a quote from Schalk Auto for a used pickup with a service box for the Board to review. The 2012 Ford F350 SRW 4WD Pickup would be used as the County Road Department Sign Truck. Ziemba informed the Board that the 2008 Ford F550 truck purchased in



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November 2020 with the intention to be the County Road Sign Truck will instead be used to pull trailers to haul equipment to work sites. The quote for the 2012 Ford pickup is \$19,000 and the two door regular cab pickup has 125,000 miles. Motion made by Lindgren, second by Rutten to approve and authorize the County Highway Superintendent to purchase the 2012 Ford Pickup for use as the County Road Department Sign Truck for \$19,000.00 from Schalk Auto of Albion as presented. Roll call vote: Yeas: Lindgren, Rutten and Temme. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, updated the Board in regard to St. Edward Zoning matters and submitted a report of zoning activity for the Board to review. No action was taken by the Board.

The Board advertised for the Boone County Weed Superintendent position. The seasonal position to be from May 1, 2021 through September 30, 2021. The Board received and reviewed one application. The Board visited with the applicant by speaker telephone. Motion made by Lindgren, second by Temme to appoint Bryce Schilousky as Boone County Weed Superintendent and reimburse his expenses to attend the New Weed Superintendent Orientation in Kearney on April 14, 2021. Roll call vote: Yeas: Lindgren and Temme. Nays: None. Abstain: Rutten. Motion carried.

The Board reviewed a written retirement resignation from a full-time County Clerk office employee. Motion made by Lindgren, second by Temme to accept and approve the retirement resignation of Kathy Thorberg effective April 30, 2021 as submitted. Roll call vote: Yeas: Lindgren, Temme and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: Region IV, Inc. / NorthStar Services – April 15, 2021; Local Emergency Planning Committee (LEPC) – April 15, 2021; Boone County Agricultural Society, Inc. – April 19, 2021; NACO County Budget Workshop – May 14, 2021 in Columbus, Nebraska.
- Commissioner Rutten updated the Board regarding the Village of Cedar Rapids meeting in regard to zoning matters.
- Board acknowledged receiving a letter from NIRM in regard to a NIRMA Board member vacancy.

Chairman Temme declared the meeting adjourned at 1:16 P.M., with the next Board meeting scheduled for Monday, April 19, 2021.

Kathy Thorberg,  
Boone County Clerk