



Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 12, 2021 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 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 Jon Lindgren, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication in the Albion News and Boone County Tribune and the Petersburg Press on October 6, 2021, and the convened meeting was open to the public.

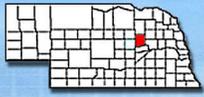
The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, October 8, 2021. Chairman Temme acknowledged the agenda and noted that 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. 1582 in the amount of \$452.00 submitted for Visitor Promotion Reimbursement. The Board discussed the two entities involved in the submission and advertisements along with the Visitor Promotion Guidelines and responses received from the Visitor Promotion Fund Committee. Motion made by Lindgren, second by Temme to deny Vendor ID No. 1582 for Visitor Promotion Reimbursement of \$452.00, due to provided documentation did not match the application. Roll call vote: Yeas: Lindgren, Temme and Rutten. Nays: None. Motion carried.

The Board also reviewed Vendor ID No. 1731 in the amount of \$910.12 used for expenses accumulated on a prisoner transport. Denny Johnson, County Sheriff, was there to discuss the meal allotment in the County Handbook and how two meals went over the lunch amount of \$12.00. Due to these expenses being accrued on a prisoner transport and that the officers that volunteered paid for portions of the prisoner's snacks, Johnson requested that the overage, billed to the two deputies, be waived. Johnson also thought there should be a policy added to the handbook regarding this specific circumstance. Motion made by Rutten, second by Lindgren to allow the meal overage billed to the two deputies be waived. Roll call vote: Yeas: Rutten, Lindgren and Temme. 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: General - \$54,350.90; Road - \$367,650.07; Visitors Promotion Fund - \$1,700.00; 911 Emergency Management (2910) - \$257.68; 911 Wireless Service (2913) - \$523.19; and Ambulance - \$4,034.51. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

With the Commissioners approving the resignations of a County Clerk's Office employee and a Road employee the County is required by statute to process their payroll in a timely manner, even if it means doing it out of a payroll cycle. Motion made by Lindgren, second by Rutten to approve the payroll claim filed for payment on the General Fund for a net amount of \$1,088.14 and the Road Fund for a net amount of \$846.17 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Lindgren, Rutten and Temme. Nays: None. Motion carried.



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Motion made by Rutten, second by Lindgren to approve the County Board Proceedings of September 27, 2021 as presented. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The Board and Denny Johnson, County Sheriff had previously talked about a Training Agreement being implemented for deputies the County pays the training costs for. Johnson presented such an agreement for his newest deputy that is on track to graduate the academy in December of 2021. The term of the agreement is three years from the date of the Deputy's certification to stay employed with the County, and if the deputy fails to do so he/she agrees to reimburse the County for his/her schooling costs. Motion made by Temme, second by Lindgren to approve and authorize the Chairman to sign the Training Agreement as presented. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

Jenna Clark, Region 44 Manager, was present to introduce herself to the Board for the first time since being hired. The Board discussed upcoming meetings and verified that the contact information to get ahold of her had not changed.

Clark also presented the Board with additional information on the Middle Northeast Nebraska Community Wildfire Protection Plan that the Board received to review. The Board and Clark discussed their thoughts on the matter. Motion made by Lindgren, second by Rutten to authorize the Chairman to sign the Middle Northeast Nebraska Community Wildfire Protection Plan as presented. Roll call vote: Yeas: Lindgren, Rutten and Temme. Nays: None. Motion carried.

The Boone County Commissioners; Timothy Cornwell, Andrew Ditter, Ralph Horacek, Robert Small and Gary Juracek, Nance County Supervisors; Dave Varner, Interim Extension Dean; Annette Dubas, Tyler Foland, Amanda Mogensen and Doug Koch, Boone Nance Extension Board; Steve Pritchard, Sonya Glup and Brad Schick, UNL Educators; Hilary Maricle, Engagement Zone Coordinator; and Rodney Wetovick, Nance County Attorney were all present in the Boone County Commissioner's room or in attendance by videoconference to discuss the UNL Extension documents. The Interlocal Agreement, between UNL, Boone County and Nance County; Addendum to the Interlocal Agreement, between UNL, Boone County and Nance County; Constitution & Bylaws, between UNL, Boone County and Nance County; and the Interlocal Agreement, between Boone County and Nance County were discussed. Different points of the agreements were discussed in detail for clarification. Motion made by Temme, second by Lindgren to table the four agreements and the lease agreement for the Engagement Zone Coordinator's office space until October 18, 2021. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

Deb Sherlock, Colonial Insurance Co., was present to discuss the process for changing Colonial's plan term from November 1 through October 31 to July 1 through June 30 to coincide with the County's other plans. Motion made by Temme, second by Lindgren to authorize the County Clerk to sign documents needed to change Colonial's plan term to July 1 through June 30. Roll call vote: Yeas: Temme, Lindgren and Rutten.

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

- Clerk - \$4,283.50 (State of Nebraska \$1,484.04)(County of Boone \$2,799.46)
- District Court - \$159.18 (State of Nebraska \$107.00)(County of Boone \$52.18)
- Sheriff - \$529.27
- Planning & Zoning - \$415.75
- Treasurer - Miscellaneous Receipt Nos. 18932 – 18998 - \$1,300,202.34
- Treasurer - Total Collections - \$2,672,401.61

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



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John Morgan, County Attorney, was present to discuss previously addressed road and water issues. Letters were sent to the parties that were causing the issues noted by Stacey Ziembra, County Highway Superintendent. To date, the issues have not been corrected. Motion made by Rutten, second by Lindgren to have the County Attorney proceed with litigation. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

Stacey Ziembra, County Highway Superintendent and Brian McDonald, JEO Consulting Group, Inc presented the following topics in the general report:

- Concrete Overlay project update.
- Bridge #00715 (Knob Bridge) project update.
- Unapproved driveway installation and removal on 140th Avenue, 1/8th of a mile north of State Highway 91.
- Kaufmann Matter – Commissioners, Ziembra, Morgan, McDonald and Robinson were present.
 - Motion made by Lindgren, second by Temme to go into executive session at 11:10 A.M. for a strategy session regarding pending litigation under § 84-1410(1). Roll call vote: Yeas: Lindgren, Temme and Rutten.
 - Motion made by Rutten, second by Lindgren to come out of executive session at 11:31 A.M. No action taken at this time.

Motion made by Rutten, second by Lindgren to accept and approve the County Highway Superintendent's general report as presented. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The Board advertised a 2003 Ford F-350, 1991 Mack Truck-Tractor, 1991 Cornhusker Pup Trailer and a truck bed trailer as surplus items for two weeks and was accepting sealed bids until 4:00 P.M. on Friday, October 8. One bid was received by the deadline. It was from Dennis Krohn - \$5,800.00 for the 1991 Mack Truck-Tractor and \$1,700.00 for the 1991 Cornhusker Pup Trailer. Motion made by Lindgren, second by Temme to accept the bid as received with the proceeds to be deposited into the Road Fund (0200) and to readvertise the remaining surplus items for one more week. Roll call vote: Yeas: Lindgren, Temme and Rutten. Nays: None. Motion carried.

The General Fund receives the real estate and personal property taxes with a designated amount transferred to the Road Fund on an as needed basis. The Boone County Treasurer is authorized to use all property tax collections, which would include real estate and motor vehicle taxes, to be in the transfer of funds. Motion made by Rutten, second by Lindgren to approve Resolution No. 2021-36, 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 not to exceed \$2,550,546.00. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The County of Boone, Nebraska's present Public Defender Agreement expires January 1, 2022. The Nebraska State Statutes §23-3401 through §23-3408 addresses the Public Defender position. The County Board shall appoint a policy board (§23-3405) that consists of three members. Two of the members shall be practicing attorneys and one member shall be a layperson. Motion made by Lindgren, second by Rutten to appoint the same individuals that served in 2019 as the policy board and advertise the acceptance of applications for the appointed public defender position for years 2022 and 2023 in the county newspapers the weeks of October 18 and October 25, 2021. Roll call vote: Yeas: Lindgren, Rutten and Temme. Nays: None. Motion carried.



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Per the direction of the Board, the County Clerk's office contacted the individuals, both still employed and retired, that would be affected if the County were to terminate their policy with Empower Retirement. From the feedback received by the County Clerk's office, it would be best to keep the current policy going. Motion made by Temme, second by Lindgren to authorize the County Clerk to sign the Administrative Services Agreement and to decline the Investment Advisory and Management Services Agreement. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

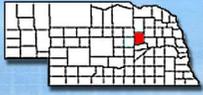
Daniel Wondercheck requested permission to bore a utility line under the County Road, commonly known as 160th Street, commencing from a pole located on the South side of 160th Street; thence North to a grain bin to be located in the W1/2SW1/4 in Section 36, Township 22, Range 7 West of the 6th P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2021-37, granting permission to Daniel Wondercheck to bore a utility line under 160th Street located between Sections 36, Township 22 North, Range 7 and Section 1, Township 21, Range 7 West of the 6th P.M., Boone County, Nebraska as submitted. Roll call vote: Yeas: Temme, Rutten and Lindgren. Nays: None. Motion carried.

The County Clerk, Planning and Zoning, and the County Highway Superintendent were present to discuss their contracts with gWorks for the offices' individual tabs on the GIS website. The Assessor's office has used this feature for many years and are happy with the services. The public would be able to view the zoning district and voting precincts they live in as well as the types of county roads and sign placements throughout the county. With the County having four offices using these features, all offices will receive a 25% discount to be applied to their annual fee.

Motion made by Temme, second by Lindgren to approve the contract with gWorks for approximately \$2,000.00 for the implementation fee and then \$3,375.00 for a prorated annual fee until June 30 to be paid out of Inheritance Tax this fiscal year, but to be budgeted for next fiscal year. Roll call vote: Yeas: Temme, Lindgren and Rutten. Nays: None. Motion carried.

Motion made by Lindgren, second by Temme to approve the contract with gWorks for approximately \$5,550.00 for the implementation fee and then \$2,925.00 for a prorated annual fee until June 30 to be paid out of Inheritance Tax this fiscal year, but to be budgeted for next fiscal year. Roll call vote: Yeas: Lindgren, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Lindgren to approve the contract with gWorks for approximately \$8,000.00 for the implementation fee and then \$4,500.00 for a prorated annual fee until June 30 to be paid out of Inheritance Tax this fiscal year, but to be budgeted for next fiscal year. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.



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Public Comments:

- Andy Zouch and Rick Martinsen were present to discuss road concerns around the Golf Course View Subdivision.
- Jim Webster was present to inquire about road projects around Cuddy's Ark Acres area.
- Brian McDonald was present to open sealed bids for road Projects C6-359, 130th Street Culvert and C6-404, Baum's Bridge – final decision to be made on October 18, 2021.
 - Petersburg East, Project C6-359, 130th Street Culvert
 - A & R Construction Co. - \$199,621.50 – Start date: August 2022.
 - Midwest Infrastructure, Inc - \$269,023.11 – Start date: March 14, 2022.
 - Petersburg West, Project C6-404, Baum's Bridge
 - Midwest Infrastructure, Inc - \$139,882.78 – Start date: November 15, 2022.
- Commissioner Temme plans to attend the Boone County Foundation and Boone County Ag Society's upcoming meetings.
- Commissioner Lindgren plans to attend the East Central Health District meeting.

Chairman Temme declared the meeting adjourned at 1:02 P.M., with the next Board meeting scheduled for Monday, October 18, 2021.

Sarah Robinson,
Boone County Clerk