



# Boone County Board Minutes



## **2019 REORGANIZATIONAL MEETING BOONE COUNTY BOARD OF COMMISSIONERS ALBION, NEBRASKA**

The Boone County Board of Commissioners of Boone County, Nebraska convened at 9:00 A.M. on Monday, January 7, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Alan Rasmussen, Vice Chairman, called the Reorganizational Meeting to order as required by Nebraska State Statute. Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben F. Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Vice Chairman Rasmussen noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Temme to appoint Alan Rasmussen as Chairman of the Boone County Board of Commissioners for the year 2019. Roll call vote: Yeas: Rutten and Temme. Abstain: Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to appoint Larry Temme as Vice Chairman of the Boone County Board of Commissioners for the year 2019. Roll call vote: Yeas: Rasmussen and Rutten. Abstain: Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that the budget committee for the ensuing 2019-2020 budget year is the Boone County Board of Commissioners, Boone County Clerk and Boone County Treasurer. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to reappoint Schmeits, Mueller & Martinsen, P.C., Richard Martinsen, CPA, Albion, Nebraska, to prepare the County Budget for the 2019-2020 budget year, to be paid from the County General fund. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to appoint Stacey L. Ziemba, Fullerton, Nebraska, as full time County Highway Superintendent under the supervision of the County Board for 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to appoint Christopher C. Hays, Osceola, Nebraska, as Boone County Surveyor for a four year term commencing January 3, 2019 through December 31, 2022, per contract for services as provided in State Statute Section 23-1901.01. Roll call Vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to reappoint Jacqueline Lynne Wells as full time Boone County Veteran Service Officer under the supervision of the County Board for 2019. In addition, the office may employ an As-Needed employee at less than 19 hours per week. In addition, there is a signed agreement with Greeley County for Boone County Veteran Service Officer to provide services for Greeley County. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to continue the contract for the services of Public Defender for Boone County with Jeffrey C. Jarecki of Jarecki Maul PC LLO, Albion, Nebraska, pursuant to the terms of an Agreement that shall commence on January 1, 2018 and continue until January 1, 2020. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



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Motion made by Temme, second by Rasmussen to reappoint Randall Bruland as the Administrator and Maintenance Director of the Boone County Ambulance Service under the supervision of the County Board for 2019. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to continue the agreement for patient billing and collection services for the Boone County Ambulance Service with EMS Billing Services, Inc. of Omaha, Nebraska pursuant to an Agreement effective March 1, 2014 that continues to termination by one of the parties. Nicole Levander, Boone County Health Center, to serve as liaison for the Boone County Ambulance Service/EMS Billing Services for 2019. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to reappoint Mary Ziemba as County Planning and Zoning Administrator, Regulatory Zoning Investigator and Floodplain Manager under the supervision of the County Board for 2019. The road clerical duties for the County Highway Superintendent's office are also included as part of the County Planning and Zoning Administrator duties. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to reappoint Jack Nordeen as a full time Boone County Weed Superintendent/Signage Technician under the supervision of the County Board for Weed Superintendent and under the supervision of the County Highway Superintendent for Signage Technician for 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to appoint Ben F. Rutten as County Weed Superintendent supervisor for 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to appoint Alan Rasmussen as Courthouse Custodian supervisor for 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to appoint the Boone County Sheriff and his staff to be the E911 Coordinator for 2019. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to reappoint the Boone County Clerk as the Title VI representative for 2019. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to reappoint the Boone County Veteran Service Officer as the American with Disabilities Act (ADA) Coordinator for 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to appoint Larry Temme as Chairperson of the County General Assistance Program with the emergencies being handled by a Commissioner. The County Clerk or Deputy County Clerk shall contact the assistance program chairperson or a Commissioner when there is a request on a day there is no scheduled Board meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to appoint the Boone County Clerk as the contact person for Boone County for the NIRMA Insurance for 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to give the County Clerk's office the authority to sign any documents that pertain to the office of the County Superintendent of Schools after June 30, 2000 under the



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supervision of the County Board for 2019. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten that the depository for the Boone County Clerk account will be the Boone County Bank, A Division of Madison County Bank, Albion, Nebraska with Kathy Thorberg, Lorrie Nicklasson and Sarah Robinson as signees authorized to exercise the powers for said account; and depository for the Boone County Imprest Vendor account will be the Boone County Bank, A Division of Madison County Bank, Albion, Nebraska with Commissioners Alan Rasmussen, Larry Temme, Ben F. Rutten and County Clerk's office Kathy Thorberg, Lorrie Nicklasson and Sarah Robinson as signees authorized to exercise the powers for said account. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that the depository for the Clerk of the District Court will be the Cornerstone Bank of York, Albion Branch, with Kathy Thorberg, Lorrie Nicklasson and Sarah Robinson as signees authorized to exercise the powers for said account. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen that the depository for the Boone County Imprest Payroll account will be the Cornerstone Bank of York, Albion Branch, with Commissioners Alan Rasmussen, Larry Temme, Ben F. Rutten and County Clerk's office Kathy Thorberg, Lorrie Nicklasson and Sarah Robinson as signees authorized to exercise the powers for said account. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme that the depositories for the County Treasurer are as follows: Boone County Bank, A Division of Madison County Bank, Albion, NE; Cedar Rapids State Bank, Cedar Rapids, NE; Cornerstone Bank (Albion Branch and St. Edward Branch), York, NE; First Bank & Trust of Fullerton (St. Edward Branch), Fullerton, NE; Great Plains State Bank, Petersburg, NE; Homestead Bank (Albion Branch), Cozad, NE; and Alternate Investment is Nebraska Public Agency Investment Trust (NPAIT), Lincoln, NE. The County Board authorizes and empowers the Boone County Treasurer to invest any surplus funds in the custody of the office. Any surplus funds shall be invested to assure a beneficial rate of return to the County and confirmation of all pledged securities are on file. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that all County Officials and Department Heads must contact the County Board, as an agenda item, before buying or doing any major maintenance to equipment or furniture over \$800.00. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen that the courthouse hours shall be 8:00 AM to 4:30 P.M. with a one-half hour unpaid break, and that all offices will post their hours, including the lunch break; and notice shall be posted on the respective office door only if an office is to be closed when it otherwise would be open. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the IRS mileage reimbursement rate of 58 cents per mile, effective January 1, 2019 as referenced in the Boone County Employee Handbook. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve County meal reimbursable dollar amount, as referenced in the Boone County Employee Handbook, for 2019 overnight travel policy: (1) Includes reimbursement by submitting an itemized receipt for actual expense up to \$11.00 for breakfast, \$12.00 for lunch and \$23.00 for supper; (2) No reimbursement of meals for one day travel; (3) If an unforeseen situation occurs



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for one day travel and return is after 7:00 P.M., the meal may be reimbursed and will be taxed and added to the employee W-2; (4) Itemized receipts are required for all travel expenses. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten that the Boone County full time employees are to receive twelve paid holidays which include the observed nine holidays as set forth in the NIRMA Guide to Creating a Personnel System for Nebraska Counties Handbook together with Martin Luther King, Jr. Day and Columbus Day. In addition, Arbor Day shall be a floating holiday for full time employees in 2019 and shall be used beginning April 26, 2019 and before December 21, 2019. The Courthouse "Closed" notices will be posted by Board directive on the north and west outside entrance courthouse doors. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that full time employees are to receive vacation and sick leave as set forth in the Boone County Employee Handbook. The employee's vacation and sick leave records are recorded with the time clock/attendance system effective January 2014. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that agenda items must be provided to the Boone County Clerk's Office no later than noon on the Friday preceding a Board meeting in order to be considered for said Board meeting. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that the Boone County Board of Commissioners will hold their Board meetings on every Monday except for the first Monday of each month in the year 2019, commencing at 9:00 A.M. Meeting dates/times are subject to change due to state statute regulations. Monday meetings that are on holidays will be held on Tuesday. The Accounts Payable Vendor meeting will be on the second Monday of the month and other Mondays will be regular public meetings. Note: the Board meeting dates for 2019 were approved on November 28, 2018 with the Monday, September 30, 2019 date inadvertently not approved, therefore, no Board meeting is scheduled for September 30, 2019. The Payroll meetings are subject to change from Monday to a different day for approval by the Board with the implementation of the time clock/attendance system and the 22/21 pay period. The Board meeting dates for payroll approval are as follows: January 28, February 26, March 26, April 24, May 28, June 26, July 29, August 26, September 25, October 28, November 26 and December 27, 2019. The County Clerk's office has charge and authority of the agenda for all meetings. The agenda will be made available for all meetings on the Boone County Website and the bulletin board located in the north courthouse entrance. Also, the following will be used to post notices in advance for emergency meetings and meetings that cannot be published in the legal newspaper(s): Boone County Website; Boone County Courthouse; lobbies of the Boone County Bank; Cornerstone Bank; Homestead Bank; and Albion News Office all located in Albion, NE. In addition, the Cedar Rapids State Bank, Cedar Rapids, NE; Cornerstone Bank, St. Edward, NE; and Great Plains State Bank, Petersburg, NE. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to appoint the following to be on the Health Board for Boone County as required by State Statute: County Sheriff, County Clerk and Boone County Health Center Chief of Staff for 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

As required by law (Neb. Rev. Stat. §48-443), each Nebraska county must have a working safety committee. Motion made by Rasmussen, second by Temme that (1) the following will serve on the Safety Committee for 2019: Region 44 Emergency Management Director; County Sheriff; Board of Commissioners; County Highway Superintendent; County ADA Coordinator; and Custodial Maintenance Supervisor; (2) removal of County Treasurer from safety committee; (3) a tornado drill will be held in March at the same time/date as the Statewide tornado drill; (4) fire drills will be conducted in May and October; (5) Ben F. Rutten, Commissioner





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will serve as safety chair and Rod Nelson, Maintenance, courthouse safety coordinator; and (6) the Safety Committee meetings are tentatively scheduled for February 26, May 13, August 12, and November 18, 2019, commencing at 9:00 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Nebraska State Statute 28-1439.03 requires the continuation of a County Drug Law Enforcement and Education Fund Board. The Resolution No. 2012-35, dated August 20, 2012 was the last appointment of a County Drug Law Enforcement and Education Fund Board. On January 6, 2014 the County Attorney at that time said that the drug board may be appointed at the County Board's reorganizational meeting each year in order to be kept current. Motion made by Rutten, second by Rasmussen that the following be appointed to serve on the County Drug Law Enforcement and Education Fund Board:

Boone County Attorney, shall serve as Chairperson	
Investigator Tim Stopak, Nebraska State Patrol, shall serve two years	(2019-2020)
Boone County Sheriff's Department, shall serve two years	(2019-2020)
Albion Chief of Police, shall serve one year	(2019)

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

The Grievance Procedure in the Employee Handbook says the County will use a Grievance Board consisting of five people. The Commissioners shall create the pre-designated list of ten impartial members to serve on the Grievance Board. The Board visited with county residents to create a pre-designated list. The Board adopted and approved the 2013 and 2014 pre-designated list on December 16, 2013 at their Board of Commissioners meeting and are as follows: Elva Bartels, Albion; Jodie Borer, Albion; Kevin Cruise, St. Edward; Mark Jensen, St. Edward; Charles Krohn, Albion; Steve Lordemann, Petersburg; Mike Morgan, Cedar Rapids; Bill Schriver, Albion; Lonnie Smith, Albion; and Dennis Tyson, Albion. Motion made by Temme, second by Rutten to make no changes in 2019 to the above adopted pre-designated list approved in December 2013. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to name the following people to serve on the Boone County Extension Board as recommended by Steve Pritchard, Boone/Nance County Extension Educator. This board is in accordance with an Interlocal Agreement with the University of Nebraska for Cooperative Extension Services signed on December 14, 1998. A term is three years with a maximum of six years. The terms are as follows:

Roger Voichoski	(2017-2019) – 1st term
Jeri Wies	(2018-2020) – 1st term
Ken Schriver	(2018-2020) – 2nd term
Amanda Mogensen	(2019-2021) – 2nd term

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

Motion made by Temme, second by Rutten that the following members of the Boone County Visitors Promotion Committee are appointed to four-year terms per Nebraska State Statute with each term to start January 1<sup>st</sup> each year. The terms are as follows:

Mary Jeanne Stokes	(2017-2020)
Connie Sugden	(2017-2020)
Irene Dresch	(2019-2022)
Marcus Johnson	(2019-2022)



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Brian Yosten

(2019-2022)

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

Motion made by Temme, second by Rasmussen that the following Boone County Planning and Zoning Board members are appointed to the following terms of office to represent the Boone County Joint Planning Commission, effective January 1, 2019:

Chris Baum, Mark Wagner and Shelley Towey	(2019)
Paul Groeteke, Brad Stephens and Clyde Stuhr	(2019-2020)
Justin Frey, Mark Jensen and Morgan Mogensen	(2019-2021)

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

Motion made by Rutten, second by Rasmussen that the following members of the Boone County Board of Adjustment are appointed to the following terms of office, effective January 1, 2019:

H. Thomas Fick and Deb Mitchell	(2019)
Paul Kettelson and Mark Jensen	(2019-2020)
John Frey	(2019-2021)
Vacancy	Alternate

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

Motion made by Rasmussen, second by Rutten to continue the Interlocal Agreement for Emergency Management Services, known as Region 44 Emergency Management, between the Counties of Boone, Nance and Merrick beginning on July 1, 2018 through June 30, 2024. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Appointment to the various boards that the County of Boone, Nebraska is associated with for 2019:

Americans with Disabilities Act Board:

- (1) Third Member of the Boone County Board of Commissioners
- (2) Jeff Noble, Albion, NE, Representative for the disabled community
- (3) Boone County Highway Superintendent
- (4) County Attorney, as the legal advisor for the committee

Agricultural and Educational Activities Building  
Committee Member

Board Chairman

Boone County Trails System

Ben F. Rutten

BCDA, Inc.

Alan Rasmussen  
Larry Temme



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Central Nebraska Joint Housing Authority, Loup City	Larry Temme Ben F. Rutten - Alternate
East-Central District Health Department, Columbus	Alan Rasmussen Larry Temme – Alternate
Local Emergency Planning Committee (LEPC)	Larry Temme
Northeast Nebraska Area Agency on Aging, Norfolk	Larry Temme Ben F. Rutten - Alternate
Northeast Nebraska Juvenile Services, Inc., Madison	Ben F. Rutten Alan Rasmussen - Alternate
Region 4 Behavioral Health System, Norfolk	Alan Rasmussen Larry Temme - Alternate
Region IV, Inc. / NorthStar Services, Wayne	Larry Temme Alan Rasmussen – Alternate
Region 44 Emergency Services Supervisory Committee	Ben F. Rutten Alan Rasmussen – Alternate
Quarterly Attendance by the Board of Commissioners (Non-Voting):	
Boone County Agricultural Society, Inc.	Larry Temme
Boone County Fitness Center, Inc.	Alan Rasmussen
Boone County Health Center	Ben F. Rutten

Motion made by Rasmussen, second by Rutten that the following are appointed to the Local Emergency Planning Committee (LEPC) for 2019:

Region 44 Emergency Manager  
Albion News - Jim Dickerson  
Albion Police Department - Brent Lipker



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Boone County Sheriff - Denny Johnson  
East-Central District Health Department - Rob Hotovy  
Boone County Health Center - Dr. Anthony Kusek  
Boone County Health Center/Albion Rescue - Amy Zaruba  
Boone County Board of Commissioners - Larry Temme  
Boone County Highway Superintendent - Stacey L. Ziemba  
State of Nebraska, Department of Roads, Albion Yard - Jon Lindgren  
Albion Fire Department - Bruce Benne  
Primrose Volunteer Fire Department - Jamie Hendrickson  
St. Edward Fire Department - Rich Good  
Boone Central Schools - Lowell Imus  
Riverside Public Schools - Bryce Molt  
Private Industry/Valero - Sarah Moeller  
Private Industry/Helena Chemical - Justin Ranslem  
Private Industry/Tallgrass - Josh Thayer

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

Motion made by Temme, second by Rasmussen to approve all motions for the respective appointments above as presented unless specifically noted. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Chairman Rasmussen declared the 2019 Boone County Board of Commissioners Reorganizational meeting adjourned at 9:57 A.M.

Kathy Thorberg  
Boone County Clerk





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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 14, 2019                      ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 14, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben F. Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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 a claim submitted by Vendor ID No. 1318 for advertisement reimbursement from the Visitor's Promotion Fund. The scheduled advertised event was cancelled due to inclement weather/wet field conditions. Motion made by Rasmussen, second by Temme to deny payment of the advertisement reimbursement request as the county guidelines and state statute do not provide advertisement reimbursement for cancelled events. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$57,721.39; Road/Weed - \$88,193.51; Boone County Visitor's Promotion - \$572.00; Veteran's Aid - \$2,000.00; 911 Emergency Management (2910) - \$391.59; 911 Wireless Service (2913) - \$471.49; 911 Wireless Service Holding (2914) - \$15,000.00; Ambulance - \$3,976.64. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board accepted and approved a written resignation from a full-time County Sheriff/Jail office employee at their December 31, 2018 Board meeting. Motion made by Rasmussen, second by Rutten to approve a Payroll Claim filed for payment on the General Fund for a net amount of \$1,689.19 with the withholding amounts being included in the General Fund Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of December 31, 2018 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Reorganizational Proceedings of January 7, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board of Equalization Reorganizational Proceedings of January 7, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.



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Motion made by Rasmussen, second by Rutten to approve the following reports of the County Officials as presented for December, 2018:

- Clerk - \$14,631.50 (State of Nebraska \$9,427.52)(County of Boone \$5,203.98)
- Clerk of the District Court - \$668.13 (State of Nebraska \$214.00)(County of Boone \$454.13)
- Sheriff - \$2,691.99
- Treasurer - Miscellaneous Receipt Nos. 16754-16808- \$303,765.24; Total Collections - \$4,266,202.12

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

The County Clerk and County Treasurer submitted copies of pledged securities (collateral) for their respective offices as of December 31, 2018. Motion made by Temme, second by Rutten to acknowledge and approve the pledged securities (collateral) as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Treasurer submitted a Semiannual Statement for July 1, 2018 through December 31, 2018. Motion made by Rutten, second by Temme to accept and approve the County Treasurer's Semiannual Statement as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

An annual Weed Superintendent report is due January 31<sup>st</sup> each year and is submitted to Nebraska Department of Agriculture, Animal and Plant Health Protection. The Boone County Weed Board is the same members as the Boone County Board of Commissioners. The Board reviewed the 2018 year-end/2019 year-anticipated weed report that was prepared by Jack Nordeen, Boone County Weed Superintendent. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the annual weed reports as presented. Roll call vote: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received two requests for advertisement funding.

Petersburg Community Club requested assistance to advertise the Puttin' in P-Town event scheduled for January 19, 2019. Motion made by Temme, second by Rasmussen to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Albion Area Arts Council requested assistance to advertise the Fever Concert scheduled for January 27, 2019. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board of Commissioners approved the AIA Document G701, Change Order Number: 001 from original contract of \$2,966,035.00, less \$15,476.00, plus \$70,437.00, for a contract sum total of \$3,020,996.00 on December 31, 2018 in regard to the new building project at the Boone County Fairgrounds. The Board received pay application number three from Rathman Manning Construction for the new fairgrounds building. The payment request is for a portion of the cast in place concrete and for dirt work, excavation of garbage dump, etc. reflected in the change order. Motion made by Rutten, second by Rasmussen to approve the payment request number three from Rathman Manning Construction for \$62,718.30. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



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Denny Johnson, County Sheriff, presented quotes for a new law enforcement vehicle for the Board to review. The Board and Johnson discussed options of either trading in the present 2012 Ford Explorer or having a local dealer sell the vehicle for the County. Johnson informed the Board that the law enforcement preference is to purchase the 2019 Chevrolet Silverado 1500 4WD Crew Cab Pickup. The state bid from Husker Auto Small Business Commercial Fleet Department of Lincoln, Nebraska for the 2019 Chevrolet Pickup is \$30,905.00, less trade-in of \$7,500.00 for a purchase price of \$23,405.00. Johnson informed the Board that there will be additional costs to equip the vehicle for law enforcement use such as the light bar, lettering on vehicle, etc. Motion made by Rasmussen, second by Temme to approve and authorize the County Sheriff to purchase the 2019 Chevrolet Pickup for the state bid of \$30,905.00 with no trade-in from Husker Auto; Schalk Auto of Albion to sell the 2012 Ford Explorer for the County; and the additional costs to equip the pickup for law enforcement use. Roll call Vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, presented the Board an update of the zoning activities in regard to the county floodplain areas; change floodplain official from highway superintendent to zoning administrator; county's comprehensive plan regulations that were written in 1997 and approved in 1999 need updating; possibly increase the permit fees; and issues coming before the Boone County Planning Commission Board.

Stacey Ziemba, Boone County Highway Superintendent, presented the Board a packet of information to review in regard to a snow removal plan; road/bridge maintenance and projects; new Enerco propane heating system installed in the County Road Shop District #1, Cedar Rapids in the fall of 2018, that is still not heating the building efficiently; and One and Six Road Improvement Plan.

Motion made by Temme, second by Rasmussen to go into executive session at 11:32 A.M., per the Open Meeting Act §84-1410(1), prevention of needless injury to the reputation of an employee and if such person has not requested a public meeting and the county road department with the Board, Highway Superintendent, General Road Foreman, Zoning Administrator and Sheriff. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried. Motion made by Rutten, second by Temme to come out of the executive session at 12:20 P.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried. No action was taken by the Board.

## Public Comments:

- Meetings: BCDA, Inc. – January 15, 2019; LEPC – January 15, 2019; Boone County Trails System Committee – January 15, 2019; Northeast Nebraska Area Agency on Aging – January 17, 2019; Northeast Nebraska Juvenile Services - January 18, 2019.
- Commissioner Rasmussen updated the Board regarding the Advisory committee meeting for/during construction of new building at the Boone County Fairgrounds on January 3, 2019.
- The Board acknowledged receiving a message from Ken Luettel regarding liaison services for the County during the new building construction at the fairgrounds.
- The Board acknowledged receiving a message from the group that discussed the possibility of using a dust control product on 250<sup>th</sup> Street at the June 18, 2018 Board meeting.

Chairman Rasmussen declared the meeting adjourned at 1:05 P.M., with the next Board meeting scheduled for Tuesday, January 22, 2019.

Kathy Thorberg,  
Boone County Clerk



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JANUARY 22, 2019                      ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, January 22, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben F. Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Randall Bruland, County Ambulance Administrator, asked the Board if they would consider funding the EMT/Paramedic classes for re-certification license renewals for Randall Bruland, EMT/driver, Jenice Stevenson, EMT, and Amy Zaruba, Paramedic, the three principal operators of the Boone County Ambulance Services. Bruland informed the Board that an EMT certification license requires twenty hours of continuing education every two years. Bruland informed the Board that the classes for license renewals were funded by the Albion Fire & Rescue in the prior years, but as of 2019 Bruland, Stevenson and Zaruba are inactive members of the Albion Fire & Rescue. Motion made by Temme, second by Rutten to approve funding for the EMT/Paramedic re-certification classes for Randall Bruland, Jenice Stevenson and Amy Zaruba for their 2019 re-certification license renewals. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Nebraska State Statute § 54-625 to 54-643, Commercial Dog and Cat Operator Inspection Act, requires an approved kennel for the housing of impounded pets, specifically dogs or cats. The City of St. Edward and the County of Boone, Nebraska entered into an Interlocal Agreement for kennel services in May of 2010 and a revised/renewal Interlocal Agreement for kennel services in May of 2013. The City of St. Edward submitted a revised/renewal Interlocal Agreement for the Board to review due to the cost increase of the kennel license. The St. Edward City Council voted to increase the Interlocal Agreement annual cost to County of Boone from \$125.00 to \$175.00. There are no proposed changes to the agreement responsibilities. The agreement may be terminated by either political subdivision with 30 days written notice to the other. If notice is not served, the agreement will automatically renew annually on May 1<sup>st</sup> of each year. The City of St. Edward shall be responsible for the maintenance and upkeep of the kennel. The County will pay the annual \$175.00 fee in exchange for being able to utilize the facility for the animals that the County impounds. There will be a \$5.00 per day impound fee with the animal being maintained up to five days. If the animal is reclaimed by the owner, the owner shall pay the impound fee. Motion made by Rutten, second by Rasmussen to approve the revised/renewal Interlocal Agreement for kennel services with an annual fee of \$175.00 between the City of St. Edward and the County of Boone, Nebraska, effective January 22, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Faith Lutheran Church of St. Edward requested assistance to advertise the Steak & Burger Feed fundraiser event scheduled for March 9, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of January 14, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board discussed amending a few of the appointments that were approved at their Board Reorganizational Meeting on January 7, 2019. The bylaws of the Local Emergency Planning Committee (LEPC) states that the members are to be appointed by the Boone County Board of Commissioners. The Board had not received an updated LEPC member list prior to their reorganizational meeting. Motion made by Rasmussen, second by Rutten to amend and approve the Board representative changes and the LEPC members as follows: (1) BCDA, Inc. – Larry Temme and Alan Rasmussen as alternate; (2) Board of Commissioners LEPC representative – Ben F. Rutten; and (3) the attached LEPC Member list as submitted from the Region 44 Emergency Manager. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Denny Johnson, Sheriff, presented a Purchase Agreement for the Board to review and the Board Chairman to sign for a new law enforcement vehicle. The Board approved a state bid quote of \$30,905.00 for the purchase of a 2019 Chevrolet Pickup on January 14, 2019. A Purchase Agreement was not available for the Board Chairman signature on January 14<sup>th</sup>. Johnson presented the Purchase Agreement for the Board Chairman signature as submitted by the Husker Auto Group, LLC dealership of Lincoln, Nebraska for a new law enforcement vehicle.

The Board and Larry Bird, Friends of the Trail Committee Chair, discussed the trail committee landscaping recommendations. The committee has suggested landscaping a four foot wide area along both sides of the trail with a grass that is low maintenance/water. Bird informed the Board that there is adequate funding to cover the landscaping costs from the donations received for the trail project and the Big Give fundraiser held in December. In addition, Bird informed the Board that someone has dumped some clay type material near the south end of the trail that possibly will need to be removed before the landscaping (planting of grass) can take place in the spring. Motion made by Temme, second by Rutten to approve allowing the Friends of the Trail Committee to move forward by using a low maintenance grass for landscaping of a four foot wide area along both sides of the trail located on County property known as the leased crop acres at no expense to the County. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed the condition and needed repairs of a 1991 Mack truck/tractor and a 1991 Cornhusker pup trailer located at Boone County Road District #1, Cedar Rapids. RDO Truck Centers of Norfolk has a used gravel truck with pup trailer advertised for sale from a company going out of business. The County could save a significant amount of money by purchasing the used truck and trailer vs. purchasing a new truck and trailer. The Board and Highway Superintendent discussed the competitive bidding requirements. Motion made by Temme, second by Rutten to approve and authorize the County Highway Superintendent to waive the competitive bidding requirements cited in the County Purchasing Act §23-3109(3) and publish a notice of the intention to make such a special purchase. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed the possible replacement of the county owned damaged building that has been removed/destroyed. A Boone County Road District #3, Petersburg storage shed was damaged during a June 2018 windstorm. The storage shed was removed/destroyed on December 13, 2018, leaving the cement foundation in place. The Board, Highway Superintendent and road employees have discussed several different ideas/types of storage sheds. No agreement has been reached in regard to location, type of structure, size of a new storage shed or if a replacement storage shed is necessarily needed. Motion made by Rasmussen, second by Temme to not build/replace a 42' x 40' storage shed on the original cement foundation. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.



# Boone County Board Minutes



The County Highway Superintendent submitted an updated Traffic Sign Retro-reflectivity Maintenance Program for calendar year 2019 for the Board to review. The County Highway Superintendent is responsible for and authorized to direct the County's various sign management and maintenance functions, including the retro-reflectivity maintenance program and for ensuring the policy is enforced and documented. The most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) will be followed when updating and incorporating said policy. The 2019 revised/updated policy replaces the 2014 Maintenance Program policy. Motion made by Temme, second by Rutten to approve the Traffic Sign Retro-reflectivity Maintenance Program-Calendar Year 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent submitted a revised, Non-Exclusive Contract For Services, for the Board to review. A Non-Exclusive Contract For Services is by and between the County of Boone, Nebraska and truck drivers with a Nebraska Class "A" Commercial driver's license for back-haul services of aggregate from quarries to the county stockpiles. The insurance requirement, Class "A" Commercial driver's license and compensation, will remain the same as the past year contractual services. There will be some change in the description of services/communication with the County Highway Superintendent. Motion made by Rutten, second by Rasmussen to approve the revised back-haul of aggregate from quarries to the county stockpiles "Non-Exclusive Contract For Services" with approved truck drivers as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, informed the Board that Keith Marvin, Consultant, would not be giving his presentation today regarding an upgrade to the Boone County Zoning Comprehensive Plan, due to the adverse road conditions.

The Board held a meeting with the department heads.

- Chairman Rasmussen asked all present to join in the Pledge of Allegiance.
- County officials/department heads reported on activities with regard to their respective office.
- Jacqueline L. Wells, County Veteran Service Officer, submitted a written report for the calendar year 2018 for the Board to review and sign.
- The Northeast District NACO spring workshop is scheduled for Friday, March 15, 2019.
- The Wellness Partners Health Fair is scheduled for Thursday, March 21, 2019 from 6:00 A.M. – 9:00 A.M., for the county employees that are interested in participating. A reminder to County employees that your participation is on your own time, not on the County clock time.
- The general consensus of the group was for the Board to meet with the department heads quarterly and preferably not in the same month of the scheduled quarterly safety meeting.
- Rod Nelson, Maintenance, plans to conduct an intercom testing the first of each month along with the other monthly tests for the panic buttons, generators, etc.

John Morgan, County Attorney, introduced himself to the Board. The Board and Morgan discussed the county health insurance benefit policy. The County has paid the NACO BCBS full family health insurance premium and employee only dental premium as a benefit for several years. Morgan asked the Board to consider looking into changing the benefit policy to add/offer a monthly opt-out set amount (aka 'cash in lieu of') for employee's who do not want to take the County's health insurance benefit. The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices. The resolution addresses the salaries and benefits for four years for the elected officers, of which shall not be increased or diminished during his or her term of office. The Resolution No. 2017-51, salaries for elected officers for 2019-2022 does not include an opt-out (aka "cash in lieu of" benefit). The Board may look into the suggested option at a later date.



# Boone County Board Minutes



It shall also be the duty of the County Board of each county of this state to visit the jail of its county per Nebraska State Statute §47-109. The Board conducted a routine visit of the Boone County Jail per Nebraska State Statute.

## Public Comments:

- Meetings: Boone County Planning Commission - January 28, 2019.
- Commissioner Rutten updated the Board regarding the Boone County Trails System committee meeting.
- Commissioner Rutten updated the Board regarding the LEPC committee meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioner Temme update the Board regarding the Northeast Nebraska Area Agency on Aging committee meeting.
- Commissioner Rasmussen updated the Board on the Region 4 Behavioral Health System committee meeting.
- County Highway Superintendent asked the Board whom should be billed for four of the five county culverts that was installed for the Boone County Trails System. The initial agreement that the county would donate one culvert.

Chairman Rasmussen declared the meeting adjourned at 12:25 P.M., with the next Board meeting scheduled for Monday, January 28, 2019.

Kathy Thorberg,  
Boone County Clerk



## LEPC Members

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# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 28, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 28, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Payroll Claims and Accounts Payable Vendor Claims filed for payment from the various funds: General - District Court Jury Expenses \$3,953.30; General Payroll \$95,810.45, BCBS \$50,936.10, Ameritas Ret \$6,649.46, EFTPS \$7,153.12, Section 125 Fees \$10.00, Wellness Program \$91.38; Road Payroll \$59,330.50, BCBS \$31,541.18, Ameritas Ret \$4,004.81, EFTPS \$4,477.52; Fair Building (4025) – Rathman Manning Construction - \$62,718.30; Ambulance Payroll \$3,350.28, Ameritas Ret \$103.92, EFTPS \$256.29; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of January 22, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Denny Johnson, Sheriff, and the Board discussed the replacement of the Equature recording system that is located in the law enforcement building. The Equature recording system records all calls and radio traffic that passes through the 911 Communications dispatch center. The Boone and Nance County 911 Communications dispatching services merger requires the addition of four lines to be added to the recording system in order to record the Nance County activity. Johnson informed the Board that within the initial approval of use of the 911 Wireless Service Holding Funds approved by the Nebraska Public Service Commission the cost of the four additional recording lines were approved, but at that time the cost of the replacement of the hardware portion of the recording system was not discussed. Johnson plans to submit an additional request of approximately \$6,700.00 to the Nebraska Crime Commission to consider approval of the purchase of a new recording system to replace the present Equature recording system from the 911 Wireless Service Holding Funds. Motion made by Rasmussen, second by Rutten to approve and authorize Denny Johnson, Sheriff, to proceed with the replacement of the Equature recording system as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

In addition, Denny Johnson, Sheriff, updated the Board on the following:

- The upgrade of equipment, funding and progress with the Boone and Nance County 911 Communications dispatching merger.
- The Crime Commission has amended the initial vendor provider approval for the computer hardware for CAD/Mapping from Platte Valley Communications of \$28,421.06 to Applied Connective Technologies LLC of \$17,526.41.
- Johnson is looking into the purchase of a bullet resistant transition window and wall to replace the existing window/wall for the law enforcement building dispatch area.



# Boone County Board Minutes



The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed with no action taken by the Board:

- Two bridge projects on the 2018 One Year Road Improvement Program were completed.
- Three road projects are being removed from the 2018 Six Year Road Improvement Program.
- Plans to add five new projects to the 2019 One and Six Year Road Improvement Program.
- Carryover of nine projects from the 2018 to the 2019 One and Six Year Improvement Program.
- Looking at a 2015 truck/2014 pup trailer to replace the 1991 truck/pup trailer for County Road District #1, Cedar Rapids.
- The new propane heating system installed in October of 2018 in the shop building for County Road District #1, Cedar Rapids continues to use a large volume of propane per day with an average of 55 degrees inside the building. May possibly look into a supplemental heater.
- The road employees are working on signage documentation of the “stop ahead and stop sign” locations and the signs in need of replacement for the traffic sign retro-reflectivity maintenance program.

Each county is to annually prepare and file on or before the anniversary date of the filing of its One and Six Year Road Improvement Program, a plan for specific road improvements for the current year. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2019-01, to set a public hearing for 10:00 A.M. on Tuesday, February 19, 2019 for the County One and Six Year Road Improvement Program. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Health Center - January 29, 2019.
- Commissioner Rasmussen updated the Board regarding the East-Central District Health Department committee meeting.
- Commissioners Rutten and Temme reported on the NACO sponsored training for newly elected county board members that they attended on January 26, 2019.
- Commissioner Rutten updated the Board regarding a recent question of the Emergency Manager’s use of the Region 44 Emergency Management vehicle.

Chairman Rasmussen declared the meeting adjourned at 10:52 A.M., with the next Board meeting scheduled for Monday, February 11, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 11, 2019

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 11, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Larry Temme, Ben Rutten and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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 a claim submitted by Vendor ID No. 24 for advertisement reimbursement from the Visitor's Promotion Fund. The initial advertised event date of December 1, 2018 was re-scheduled to December 29, 2018 due to inclement weather. Motion made by Rasmussen, second by Rutten to reject reimbursement of \$329.05 for the December 1, 2018 advertisement reimbursement request as the county guidelines and state statute do not provide advertisement reimbursement for cancelled events and approve reimbursement of \$173.20 for the December 29, 2018 re-scheduled event advertisement reimbursement request. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$32,304.32; Road/Weed - \$88,083.89; Boone County Visitor's Promotion - \$973.20; 911 Emergency Management (2910) - \$408.41; 911 Wireless Service (2913) - \$513.83; Fair Building (4025) - \$838,063.37; Ambulance - \$2,387.19. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of January 28, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board of Equalization Public Hearing Proceedings of January 28, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the following reports of the County Officials as presented for January, 2019:

- Clerk - \$21,707.25 (State of Nebraska \$15,263.94)(County of Boone \$6,443.31)
- Clerk of the District Court - \$875.04 (State of Nebraska \$380.00)(County of Boone \$495.04)
- Sheriff - \$2,314.34
- Planning & Zoning - \$264.50
- Treasurer – Misc. Receipt Nos. 16809-16864 - \$1,495,334.18; Total Collections - \$2,572,816.95

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



# Boone County Board Minutes



The Board received Payment Application No. 4 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the mobilization requirements, concrete footings, structural steel framing material stored onsite, and excavation work. Motion made by Temme, second by Rutten to approve payment number four from Rathman Manning Construction for \$838,063.37 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received three requests to review for advertisement funding.

The Boone County Home, Farm & Garden Show, Inc. requested assistance to advertise the Boone County Home, Farm, Garden Show event scheduled for March 22 and 23, 2019. Discussion regarding the application was that approvals have been for organizations such as community clubs, church groups, fire departments, etc. that are for non-profit. The record research did not show an organized Boone County Home, Farm & Garden Show, Inc. or with a non-profit status. The record research shows Boone County Home, Farm and Garden Show, LLC, a domestic LLC. The consensus of the Board was to deny the request to keep consistency with the prior approval/denials of applications. Motion made by Rasmussen, second by Temme to deny the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Petersburg Volunteer Fire Department requested assistance to advertise the Petersburg Fire Cruise & Dance fundraiser event scheduled for June 8, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Boone County Agricultural Society, Inc. requested assistance to advertise the Boone County Fair Concert of Randy Houser and Jackson Michelson scheduled for July 6, 2019. Motion made by Rasmussen, second by Temme to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Boone County Ambulance Service submitted uncollectible ambulance accounts for the Board to review as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to remove the \$2,340.00 for March 3, 2018 and the \$2,265.00 for March 23, 2018 Ambulance services from the EMS Billing Services account for purposes of bookkeeping and turn the account over to the County Attorney to attempt further collection. Motion made by Rasmussen, second by Rutten to turn the March 3 and 23, 2018 County Ambulance Service accounts balance total of \$4,605.00 over to the County Attorney for further collection. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Clerk of the District Court submitted a copy of additional pledged security (collateral) for the respective office. Motion made by Rutten, second by Temme to acknowledge and approve the pledged security (collateral) as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



An annual Weed Superintendent report is due each year and is submitted to Nebraska Department of Agriculture, Animal and Plant Health Protection. The Boone County Weed Board is the same members as the Boone County Board of Commissioners. The Board reviewed the County Noxious Weed Control Plan for 2019 that was prepared by Jack Nordeen, Boone County Weed Superintendent. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Noxious Weed Control Plan for 2019 report as presented. Roll call vote: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed the appointment request of a representative to the East Central Region Governance Board. Boone County is a member of the East Central Planning, Exercise, Training (PET) and Interoperable Communications Region established by the State of Nebraska. Motion made by Rutten, second by Rasmussen to hereby appoint Denise Ziemba, Region 44 Emergency Manager, as the Boone County representative to the Governing Regional Committee that makes up the East Central PET & Interoperable Communications Region to fulfill all duties as required by the group retroactive and effective September 1, 2018. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Denny Johnson, County Sheriff, presented quotes for a bullet resistant transition window for the law enforcement building. The Board and Johnson discussed the window sizes, bullet resistant level and bullet proof drywall. Johnson plans to research bullet proof drywall and submit quotes at a future meeting. The quotes submitted for Insulgard Security Windows Model ATV and SVT ranged from \$5,137.00 to \$8,822.00 being dependent upon size and bullet proof level rating. A Bullet Resisting Transaction Window includes a voice rail and stainless steel tray to slide paperwork through that replaces the current open area in the window. Motion made by Temme, second by Rutten to approve the request and authorize Denny Johnson, County Sheriff, to order a Model ATV 29"x40" Bullet Resisting Transaction Window Level 2 for \$5,499.00 from Binswanger Glass, Norfolk, Nebraska for the County Law Enforcement Building. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed with no action taken by the Board:

- The Highway Superintendent informed the Board that she has not traveled to Norfolk, NE to date to look at the truck/pup trailer that the County plans to purchase to replace the 1991 truck/pup trailer for County Road District #1, Cedar Rapids.
- The bridges crossing the Cedar River are being watched closely due to ice jam.
- The Highway Superintendent updated the Board in regard to some driveways that appear to have been installed without approval from the County Highway Superintendent.
- The Highway Superintendent plans to contact Seier's On-site Service, LLC to see if there is any interest in providing a quote to lower the newly installed heating system and/or ceiling at the shop building for County Road District #1, Cedar Rapids.
- The Board plans to address the road employees' overtime concerns in writing.

Stacey Ziemba, County Highway Superintendent, and the Board discussed possibly purchasing a trailer for hauling pipe and a bobcat skid loader for County Road District #2, Albion. The discussion included different types of trailers and area vendors to contact for quotes. The Board asked the Highway Superintendent to obtain quotes to be reviewed before a decision is made.



# Boone County Board Minutes



The new propane heating system installed in October of 2018 in the shop building for County Road District #1, Cedar Rapids continues to use a large volume of propane per day with an average of 55 degrees inside the building. The Board and Highway Superintendent reviewed an estimate for a supplemental heater for the road shop building. Motion made by Rutten, second by Rasmussen to approve the estimate of \$3,150.66 for the purchase and installation of a Modine 150,000 BTU propane forced air supplemental heater from Seier's On-site Service, LLC of Albion. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Boone County Joint Planning Commission would like to have the Boone County Board of Commissioners join their February meeting to discuss County Zoning regulations and issues. Motion made by Temme, second by Rutten to advertise for a public meeting in conjunction with the Boone County Joint Planning Commission Board meeting regarding a discussion of County Zoning regulations and issues on Tuesday, February 26, 2019 at 7:30 P.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, informed the Board that Keith Marvin, Consultant, would not be giving his presentation today regarding an upgrade to the Boone County Zoning Comprehensive Plan, due to the adverse road conditions.

## Public Comments:

- Meetings: Region 44 Emergency Management Committee – February 12, 2019; Boone County Joint Planning Commission meeting with the Board of Commissioners – January 26, 2019.
- Mary Ziemba, Boone County Zoning Administrator, submitted the Board a written report of zoning activities.
- Commissioner Rutten updated the Board regarding the Boone County Health Center meeting.
- The Board acknowledged receiving an inquiry regarding possibly submitting quotes for County insurance. The commitment by resolution to NIRMA and NIRMA II Insurance program is from July 1, 2018 through June 30, 2021.
- Commissioner Temme updated the Board regarding the Boone Beginnings informational meeting held on February 5, 2019.
- Commissioner Temme updated the Board regarding a meeting on February 13, 2019 with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.

Chairman Rasmussen declared the meeting adjourned at 12:41 P.M., with the next Board meeting scheduled for Tuesday, February 19, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 19, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 19, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of February 11, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Clerk submitted a copy of additional pledged security (collateral) for the Boone County Clerk's Imprest Vendor Account. Motion made by Rasmussen, second by Rutten to acknowledge and approve the pledged security (collateral) as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

At the Board meetings in December 2018, Denny Johnson, County Sheriff, and the Board discussed options for meals provided to prisoners held in the Boone County Jail facility. Johnson placed an ad in the Albion News for the acceptance of bids for meals provided to prisoners held in the Boone County Jail. Johnson and the Board reviewed the meal bid submitted by 3C's Cleveland's Café and Catering of Albion, NE for prisoner meals. Johnson and the Board discussed the fact that some days there may be four prisoners and other days no prisoners. Johnson informed the Board that 3C's Cleveland's Café and Catering have been very accommodating to work with for preparation and delivery of prisoner meals and meet the state dietary requirements. Motion made by Rutten, second by Rasmussen to approve and accept the contract bid for year 2019 from 3C's Cleveland's Café and Catering as presented for inmate meals delivered to the Boone County Law Enforcement/Jail building. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Denny Johnson, Sheriff, presented quotes for the Board to review regarding bullet proof drywall/wall material and installation for the County Law Enforcement/Jail building. The quote from Total Security Solutions of Fowlerville, MI is for 2 bullet proof wall materials described as 4 x 8 UL 752 Tested & Rated Level 3 Fiberglass ½" thick for \$1,151.00. The estimates for installation of the bullet proof wall material: Wiseman Roofing & Construction, Albion, NE for \$1,813.00 and T & A Handyman of Cedar Rapids, NE for \$2,200.00-\$2,450.00. Motion made by Temme, second by Rasmussen to approve and authorize the County Sheriff to purchase the bullet proof wall material for approximately \$1,151.00 from Total Security Solutions and approve the wall installation for approximately \$1,831.00 from Wiseman Roofing & Construction as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed the possible need of a one ton heavy duty pickup to pull trailers. A 16 foot trailer located at Scribner, NE has been looked at for transporting a bobcat skid loader and pipe. The trailer requires a heavy duty pickup. The majority of the County Road pickups are ½ ton or ¾ ton. The Board suggested that the Highway Superintendent check the state fleet bids and obtain prices for different types of pickups to present to the Board for their review at a future Board meeting.



# Boone County Board Minutes



The Board approved the revised back-haul of aggregate from quarries to the county stockpiles Non-Exclusive Contract for Services with approved truck drivers as submitted by the County Highway Superintendent on January 22, 2019. The County Highway Superintendent added clarification in the Description of Services of the revised Non-Exclusive Contract for Services explaining the type of aggregate hauled, and hauler must contact the Highway Superintendent for approval to back-haul each load of aggregate. Motion made by Rasmussen, second by Rutten to approve the Non-Exclusive Contract for Services with approved truck drivers as submitted with the clarification changes in Description of Services. Roll call vote: Yeas: Rasmussen, Rutten and Temme. 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 for the County. The contracts are for the year 2019 with the contractor compensation being \$7.00 per ton for road gravel and \$11.00 per ton for other aggregate. The interested truckers needed to attach a copy of the truck driver's CDL and 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 two Non-Exclusive Contract for Services. The two contracts were not complete in regard to the required documentation attachments. Motion made by Rasmussen, second by Rutten to table action on the two submitted Non-Exclusive Contract for Services to a future Board meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed the Introductory Period on page 14 of the County Employee Handbook. Each new employee (including a re-hired employee) at Boone County is considered to be in an introductory status commencing the first date of employment/re-employment through the period designated by the department head. The County Road Department has two new employees that started employment in November 2018. An employee's work performance may be evaluated after completion of the introductory period. A new benefit beginning with the January 2019 payroll is a Merit Based Pay of (0-12 cents) which is based on a full-time employee's performance evaluation completed every November. The Merit Based Pay benefit program is separate from the annual Cost of Living approved for employees. The Highway Superintendent said that the two new employees are working well and she would like to set an Introductory Period Evaluation for the County Road Department employees of ninety days and in addition use the merit based pay of (0-12 cents) for the two new employees due to their employment date was in November 2018 and were not eligible at that time for the new merit based pay benefit program. Motion made by Temme, second by Rasmussen to approve a ninety (90) day Introductory Period with an evaluation for the County Road Department and that the designated ninety day Introductory Period be communicated to the employee upon employment. Roll call Vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed the road employee's overtime concerns at the February 11, 2019 Board meeting and at that time the Board decided to address the concerns in writing to the county road employees. A letter addressing overtime clarification and work outside of normal working hours was prepared by the County Highway Superintendent for the Board to review. Motion made by Temme, second by Rasmussen to approve signing the letter addressing overtime clarification and work outside of normal working hours to be distributed by the Highway Superintendent to each County Road Employee. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The County Highway Superintendent, presented the 2019 One and Six Year Road Improvement Program for County of Boone, Nebraska at the 10:00 A.M. public hearing. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2019-02, adopting the 2019 One and Six Year Road Improvement Program for County of Boone, Nebraska as presented at the public hearing. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



Chris Hays, County Surveyor, presented his concerns to the Board regarding Boone County Zoning regulations and issues when a landowner requests a survey. In June 2018 one of the approved regulation changes “raising acres to 160 to build a house without a Conditional Use Permit. A 5-acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with three (3) or four (4) straight lines; only exception is naturally occurring boundaries (river, creek and highway not included); and the residential density shall not exceed five (5) houses per section effective June 18, 2018.”

Hays presented several examples of surveys completed in 2018 for Boone and various counties. When surveying includes existing homesteads, pivot corners, tree lines, etc. the majority of the time there is no way for three or four straight lines without taking part of the prime farm ground. Hays surveys for several counties, with Boone County being the only County requesting surveys involving Conditional Use Permits to have three or four straight lines. The Board; Chris Hays, County Surveyor; Mary Ziemba, County Zoning Administrator; and Keith Marvin, Zoning Consultant, discussed the surveying concerns in regard to the Conditional Use Permit regulation changes. The Board and Ziemba are to present the surveying concerns at the Boone County Joint Planning Commission and Board of Commissioners scheduled joint meeting on Tuesday, February 26, 2019.

Keith Marvin, Zoning Consultant, of David City, NE presented a proposal for the Board to review that outlines the work to update the County Zoning regulations. The present Boone County Comprehensive Plan was adopted in 1999, with various changes and amendments during the twenty years. Marvin was a consultant for Boone County when the original Comprehensive Plan and Zoning regulations were created.

Marvin said that the upgrade process would take one and one-half to two years with an estimated cost of \$33,100.00 for the County. If the upgrade of the Comprehensive Plan and Zoning regulations for the Villages of Cedar Rapids and Petersburg, the estimated cost for each town is \$6,000.00 to \$9,000.00. There has been many changes in agriculture and the dynamics of the county over the years. There are new issues arising every year. Comprehensive Plans are the basis for making solid decisions about the future regarding land use; transportation; economic development; county facilities; public services, etc. Marvin said engagement of the county residents would be an important part of the work. Marvin informed the Board that Nebraska law requires a Comprehensive Plan first, then the Zoning regulations follow. The Board; Keith Marvin, Zoning Consultant; Chris Hays, County Surveyor; and Mary Ziemba, County Zoning Administrator, discussed the need to upgrade and simplify the County Comprehensive Plan and Zoning regulations. The Board plans to review the proposal, no decision was made at the meeting.

John Morgan, County Attorney, attended the Board meeting and asked the Board if there were any questions or concerns for him to address. The Board had no concerns at this time.

## Public Comments:

- Meetings: BCDA, Inc. – February 21, 2019; Northeast Nebraska Area Agency on Aging – February 21, 2019; Region IV, Inc. /NorthStar Services – February 21, 2019; Boone County Joint Planning Commission – February 26, 2019.
- Commissioner Rutten updated the Board regarding the Region 44 Emergency Services Supervisory Committee quarterly meeting.
- A representative for Senator Ben Sasse plans to have a mobile office on Friday, February 22, 2019 from 9:00 A.M. to 10:30 A.M. at the Boone County Courthouse.

Chairman Rasmussen declared the meeting adjourned at 12:26 P.M., with the next Board meeting scheduled for Tuesday, February 26, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **PUBLIC HEARING PROCEEDINGS**

### **2019 ONE AND SIX YEAR ROAD IMPROVEMENT PROGRAM BOONE COUNTY, NEBRASKA**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Tuesday, February 19, 2019 at 10:00 A.M. in the County Commissioners Meeting Room, Boone County Courthouse in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Commissioners present for said public hearing were Larry Temme, Ben Rutten and Alan Rasmussen. Stacey Ziemba, County Highway Superintendent, was present to answer the 2019 Road Improvement Program questions. Notice of the hearing was given in advance by publication and the convened hearing was open to the public.

The public hearing is for the purpose of hearing testimony in favor of, or opposition to, and to answer questions in relation to the proposed 2019 One and Six Year Road Improvement Program for Boone County, Nebraska. The hearing is to remain open for one hour.

Stacey Ziemba, Boone County Highway Superintendent, presented the 2019 One and Six Year Road Improvement Program for Boone County, Nebraska. The one-year road improvement plan consists of nine projects and the six-year plan consists of six projects. Ziemba prepared a map to use as a visual aid showing the location of the proposed projects. The Board received no opposition at the hearing.

The Board and Highway Superintendent reviewed and discussed each of the projects. The plan serves as a guideline that can be amended if an unforeseen circumstance arises and needs immediate attention. Ziemba acknowledged Project No. C-6(393), remove existing bridge and install a concrete box culvert (CBC), may require the county to purchase some right-of-way and work has started on Project No. C-6(391), tear out existing structure and replace with a CBC. The federal and state regulations regarding bridge and road construction project funding is pushing more of the burden onto the county.

Attached hereto as part of the proceedings is a copy of the 2019 proposed projects one-year plan and six-year plan as presented by Boone County Highway Superintendent.

Motion made by Temme, second by Rutten to close said hearing at 11:00 A.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the 2019 One and Six Year Road Improvement Program for Boone County, Nebraska as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



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## **Boone County 2019 One-and-Six-Year Plan**

### **One Year Projects and Locations:**

C-6(386): Replacement of an under 20' bridge with a CBC, T20N, R7W, NE qtr of Sec. 28 and NW qtr of Sec. 27; 190<sup>th</sup> Ave., north of 270<sup>th</sup> St.; \$70,000

C-6(391): Bridge 6(23445); tear out existing structure and replace with a CBC; T20N, R5W, between Sections 24 & 25; 260<sup>th</sup> St. east of 330<sup>th</sup> Ave.; \$70,000

C-6(393): Bridge 6(11215); remove existing bridge and install a CBC; T22N, R5W, between Sections 25 & 36; 150<sup>th</sup> St. east of 330<sup>th</sup> Ave.; \$160,000

C-6(394): Road Resurfacing; milling, resurfacing, shoulder work; T22N, R7W, Sections 26, 27, 28, 29; 145<sup>th</sup> St., 4 miles going west from 210<sup>th</sup> Ave. to 170<sup>th</sup> Ave.; \$3.6 million

C-6(395): Road improvement; dig ditch, build up road to increase drainage, remove trees; T19N, T18N, R8W, between Sections 33 & 4; 340<sup>th</sup> St. for ¾ mile going west from 130<sup>th</sup> Ave.; \$5,000

C-6(397): Culvert structure; tear out existing structure and replace with CBC; T19N, R7W, between Sections 17 & 20; 310<sup>th</sup> St. east of 175<sup>th</sup> Ave. ¼ mile.; \$70,000

C-6(398): Bridge 6(23340); tear out existing structure and replace CBC; T22N, R6W, Sections 10SE and 11SW; 260<sup>th</sup> Avenue, ¼ mile North of 120<sup>th</sup> Street; \$70,000

C-6(400): Ditch work; install culverts in driveways, fix drainage issues; T19N, R8W, Sections 10S and 15N; 300<sup>th</sup> Street between 130<sup>th</sup> Avenue and 140<sup>th</sup> Avenue, in the middle for ½ mile; \$15,000

C-6(402): Road lower than ditches; need to dig ditches, build up road and add culverts; T20N, R8W, Sections SE qtr. 25 and NE qtr. 36; 270<sup>th</sup> Street going west for ¼ mile off 160<sup>th</sup> Avenue; \$25,000

### **Six Year Projects and Locations:**

C-6(359): Bridge 6(00830); replace wooden structure with twin barrel CBC; T22N, R5W, between the SW qtr. Section 14 and the NW qtr. Section 23; 130<sup>th</sup> St.; \$90,000

C-6(366): Road improvement, rebuild road & ditch work; T18N, R7W, beginning at the NW corner of Section 27 and the NE corner of Section 28, going for 1 mile; 190<sup>th</sup> Ave.; \$20,000

C-6(390): Bridge 6(11815); replace wooden deck with pre-cast slab deck with W-Channel guard rails; T21N, R6W, NW qtr of Section 11 and NE qtr of Section 10; 180<sup>th</sup> St. east of 260<sup>th</sup> Ave.; \$80,000

C-6(392): 260<sup>th</sup> St. & Hwy 14 intersection,(Cargill Road); redo the intersection; T20N, R6W, beginning at Hwy 390 & Hwy 14, go east 0.43 miles along the NE qtr of Section 27 and the SE qtr of Section 22; 260<sup>th</sup> St.; \$308,000

C-6(399): Cattle pass, tear out existing cattle pass and replace with a new small CBC single barrel cattle pass; T21N, R5W, Sec 7SE; 180<sup>th</sup> Street, 2/3 mile west of 290<sup>th</sup> Avenue; \$60,000

C-6(401): Culvert structure; remove existing culvert structure and replace with a 40ft. bridge; T18N, R5W, Sections 10SE and 11SW; 320<sup>th</sup> Avenue, from 350<sup>th</sup> Street going south to the ½ mile line; \$350,000



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 26, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 26, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Alan Rasmussen, Chairman of the Boone County Board of Commissioners/Safety Committee member, opened the safety meeting at 9:01 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Alan Rasmussen, Larry Temme and Ben Rutten; Rod Nelson, Courthouse Maintenance; Kathy Thorberg, County Clerk; and Stacey Ziemba, County Highway Superintendent. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) grant for a new generator is no longer available; (2) calling system list for inclement weather is being updated; (3) discussed sidewalk and parking lot repairs; (4) outside lighting at courthouse is being repaired; (5) "Stop the Bleed" training using tourniquets will be offered to County employees in the future; (6) NIRMA likes pictures of accident areas and conditions; and (7) ice melt was ordered for the winter season. New business was discussed: (1) funds should be budgeted for a new generator due to the grant funding is no longer available; (2) County Highway Superintendent discussed handicap accessibility for the building known as County Road Shop District #2, Albion; (3) County Highway Superintendent discussed the need to repair the low spot in front of the shop building door that creates a slick icy area, known as County Road Shop District #2, Albion; (4) monthly testing of the paging system on the courthouse phones is being completed the first of each month; (5) the paging system can be used during the State wide tornado drill held in March. Plans are for a Courthouse tornado drill to be held the same day as the State wide tornado drill; and (6) the two incident/accident reports have been addressed. The next Safety Committee meeting is tentatively scheduled for 9:00 A.M. on Monday, May 13, 2019. The Safety Committee meeting was adjourned by Alan Rasmussen at 9:15 A.M.

Motion made by Temme, second by Rutten to approve the County Payroll Claims filed for payment from the various funds: General \$99,774.31, BCBS \$48,827.88, Ameritas Ret \$6,874.32, EFTPS \$7,453.57, Section 125 Fees \$10.00, Wellness Program \$91.38; Road \$63,765.10, BCBS \$31,541.18, Ameritas Ret \$4,304.15, EFTPS \$4,816.73; Ambulance \$2,854.63, Ameritas Ret \$96.65, EFTPS \$218.37; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board Proceedings of February 19, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board 2019 One and Six Year Road Improvement Public Hearing Proceedings of February 19, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Counties of Boone, Butler, Merrick, Nance, Polk, Saunders, and the City of Columbus acting as the Platte County Public Safety Answering Point (PSAP) entered into an Interlocal Cooperation Agreement, East Central





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Region for 911 Emergency Communications Equipment Sharing on September 16, 2013. The Agreement created the East Central 911 Region (EC911), administered by the EC911 Governing Regional Committee. Hamilton County became a party to the Agreement as amended by an addendum on November 5, 2018. Jon Rosenlund, Grand Island/Hall County Emergency Manager, presented an Amendment/Addendum to the Interlocal Cooperation Agreement for the Board to review. Rosenlund informed the Board that Grand Island Emergency Center desires to become a party to the EC911 Agreement. Rosenlund answered Board questions and explained that the Interlocal Cooperation Agreement enables multiple PSAP's to share backroom equipment. Motion made by Rasmussen, second by Temme to approve and authorize the Board Chairman to sign the Addendum to add Grand Island Emergency Center to the Interlocal Cooperation Agreement, East Central Region for 911 Emergency Communications Equipment Sharing Agreement as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Rod Nelson, Maintenance, and the Board discussed the proposal submitted by Meininger Fire Protection, Inc. for an internal pipe exam. An internal pipe exam is required on a 5-year basis, per NFPA 25, to ensure that the internal condition of the fire protection piping is not in a condition which could result in the obstruction of sprinklers due to corrosion or other foreign matter. The five-year maintenance inspection of the internal pipe for \$375.00, will be conducted at the same time as the annual inspection. The \$375.00 five-year maintenance fee is in addition to the annual inspection fee. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the proposal/contract for the additional five-year maintenance fee of \$375.00 for an internal pipe exam of the courthouse fire sprinkler system as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Stacey Robinson, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to back-haul aggregate for the County. The contracts are for the year 2019 with the contractor compensation being \$7.00 per ton for road gravel 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 Country Partners Cooperative, Jason Hoefer/Jason Hoefer Trucking, Rollie C. Huffman/RCH Transfer, and Randy Schlecht/Schlecht Trucking, LLC. Motion made by Rutten, second by Temme to authorize the Board Chairman to sign the Non-Exclusive Contracts for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects.

The Board approved an engineer study in August 2017 to be completed to determine costs and options for permanent repairs for approximately four miles of the asphalt portion of 145<sup>th</sup> Street west of Petersburg from 210<sup>th</sup> Avenue to 170<sup>th</sup> Avenue, a main route for areas west and northwest of Petersburg and for the Volunteer Fire Department/Rescue Squad. Brian McDonald, JEO Consulting Group, Inc., presented to the Board information regarding the Thiele Geotech, Inc. study of Project C-6 (394), Petersburg west, a portion of a county road known as 145<sup>th</sup> Street and five different costs and overlay scenarios at the April 16, 2018 Board meeting.

Brian McDonald, JEO Consulting Group, Inc., the Board and Stacey Ziemba, County Highway Superintendent, discussed the engineering evaluation and information that was presented at the April 2018 Board meeting in regard to the approximate four miles of asphalt road west of Petersburg on 145<sup>th</sup> Street. The engineering evaluation provided analysis for subsurface soil, foundation, slope stability, seepage, settlement and other



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geotechnical engineering related items. McDonald re-presented the five different costs and overlay scenarios for the approximate four miles of asphalt west of Petersburg on 145<sup>th</sup> Street. The East portion is 9,700 feet and the West portion 11,600 feet in regard to the five construction scenarios that range from: (1) east- mill 1" and overlay with 2" asphalt, west-complete reconstruction with 8" asphalt pavement for approximately \$2,177,431.00; (2) east-mill 1" and overlay with 6" asphalt, west-complete reconstruction with 8" asphalt pavement for approximately \$2,592,548.00; (3) east-complete reconstruction with 8" asphalt pavement, west-complete reconstruction with 8" asphalt pavement for approximately \$3,083,398.00; (4) east-mill 1" and 6" concrete overlay, west-complete reconstruction with 8" concrete pavement for approximately \$2,772,481.00; and (5) east-complete reconstruction with 8" concrete pavement, west-complete reconstruction with 8" concrete pavement for approximately \$3,624,130.00. The estimated figures do not include upgrading the bridge, surveying costs and for the possible purchase of more right-of-way, as the west two miles would need to be brought up to standards for 55 mph. McDonald said that usually concrete will be good for 20-30 years with maybe some crack sealant now and then. Asphalt is known for 10-15 years depending on weight of traffic with overlay in warped areas more often. The Board asked McDonald several questions regarding the Project C-6 (394), Petersburg west, and requested McDonald to bring back proposals for an option that would include six-inch concrete overlay on the east portion and mill down the base to return the west portion of the road to gravel.

In addition, the Board, County Highway Superintendent and Brian McDonald, JEO Consulting Group, Inc., discussed regulations/requirements for county roads that are classified as Minimum Maintenance. McDonald informed the Board that it becomes a daily safety issue when residents of rural residential dwellings access onto a minimum maintenance road. McDonald said that bringing a minimum maintenance road up to Nebraska Department of Roads standards can be a very expensive process.

The Board heard and reviewed a county burial request. Motion made by Rasmussen, second by Rutten to approve the county burial request as outlined in Resolution No. 2011-42. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Nathan Olson leases the County owned crop ground of 24.68 acres located in a fractional part of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Olson's rental lease payment is in March each year and the Lease Agreement provides that the County shall pay Olson reasonable damages due to crop damage for the development of a walking trail or the testing of a new water well. The Board reimbursed Olson for 2018 leased year crop damaged acres in December of 2018 due to the walking trail construction. The Board and Olson discussed the type of crop Olson plans to plant in 2019. The consensus of the Board is that it is Olson's decision as he is the lessee. Chuck Rolf, Boone County Agricultural Society, Inc., was present at the meeting. A fence line running east and west that was in existence in 2018 divided the County cropland lease and the County fairgrounds lease. Nathan Olson is the lessee of the surveyed County cropland lease south of the fence line and Boone County Agricultural Association, Inc. is the lessee of the surveyed County property north of the fence line known as the fairgrounds. The Board, Olson and Rolf discussed top soil (dirt) that has been removed/disturbed from a hill on the County cropland, due to the construction of a new fairgrounds livestock building. In addition, some cropland top soil has been moved/disturbed south of the hill in the cropland leased area.

The Board and Olson discussed the rental lease payment that was based on 24.68 acres and a due date of March each year. The Board discussed amending the Lease Agreement due date and amount. The lease amount due will be based on the crop acres that are available for planting in the spring. Motion made by Rutten, second by Rasmussen to amend the Lease Agreement dated February 26, 2018 between the County of Boone, Nebraska and Nathan R. Olson for the crop year 2019, with the lease rental payment due May 30, 2019 and the rental



# Boone County Board Minutes



amount to be based on the crop acres that are planted. Roll call vote: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Trails System – February 26, 2019; Boone County Joint Planning Commission – February 26, 2019; East-Central District Health Department – February 28, 2019; Nebraska Planning and Zoning Conference – March 6-8, 2019; Northeast Nebraska Association of County Officials – March 15, 2019.
- Commissioner Rutten updated the Board regarding a meeting with Jay Wolf, in regard to a Boone Beginnings Early Childhood & Family Development Center.
- The Board plans to advertise for the 2019 Courthouse Lawncare proposals in the four county newspapers.
- The Board reviewed a written notice from the Nebraska Department of Natural Resources regarding their intent to inspect the Kohtz City of Albion Dam this year. The majority of the Kohtz City of Albion Dam is located on the County owned property known as the leased cropland.
- A representative for U. S. Senator Deb Fischer plans to have a mobile office on Thursday, March 7, 2019 from 1:30 P.M. to 2:30 P.M. at the Boone County Courthouse.
- A representative for Congressman Adrian Smith plans to have a mobile office on Monday, March 11, 2019 from 10:30 A.M. to 11:30 A.M. at the Boone County Courthouse.

Motion made by Temme, second by Rasmussen to recess said meeting at 12:38 P.M. to meet in conjunction with the Boone County Joint Planning Commission Board at 7:30 P.M. on February 26, 2019. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to reconvene said Boone County Board of Commissioners meeting at 7:33 P.M. on February 26, 2019 to meet in conjunction with the Boone County Joint Planning Commission Board. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Boone County Board of Commissioners and Boone County Joint Planning Commission Board discussed the Boone County Comprehensive Plan and Boone County Zoning regulations.

Motion made by Rutten, second by Rasmussen to adjourn said Boone County Board of Commissioners meeting at 8:38 P.M. on February 26, 2019. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried. The next Board of Commissioners meeting scheduled for Monday, March 11, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 11, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 11, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Larry Temme, Alan Rasmussen and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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. Motion made by Rasmussen, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$39,250.53; Road/Weed - \$417,718.99; Boone County Visitor's Promotion - \$1,264.50; 911 Emergency Management (2910) - \$393.91; 911 Wireless Service (2913) - \$471.49; Ambulance - \$2,206.94. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of February 26, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board of Equalization Public Hearing Proceedings of February 26, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the following reports of the County Officials as presented for February, 2019:

- Clerk - \$9,250.00 (State of Nebraska \$5,398.90)(County of Boone \$3,851.10)
- Clerk of the District Court - \$950.61 (State of Nebraska \$559.00)(County of Boone \$391.61)
- Sheriff - \$2,414.18
- Treasurer – Misc. Receipt Nos. 16865-16912 - \$231,036.62; Total Collections - \$709,643.68

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

The Board discussed the necessary procedure(s) in accordance with Nebraska State Statute 23-107.01, real estate owned by the County. The County is the owner of Lots 27, 28, 29, 30, 31 and 32, all in Block 5, West Petersburg, Petersburg, Boone County, Nebraska. The said vacant lots are zoned residential. Motion made by Temme, second by Rutten to advertise the required two weeks for a public hearing in accordance with state statute prior to any such sale to be held on Monday, April 8, 2019 at 11:00 A.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Jacy Spencer, Community Liaison/Agriculture Specialist for Congressman Adrian Smith's office, updated the Board of the congressman's activities and federal issues. The Board and Spencer discussed several agricultural issues. Citizens that have any issues with Federal agencies are to direct the issues to the congressman's office in Grand Island, Nebraska for assistance. Following the meeting with the Board, Spencer held constituent services by holding a local office in the courthouse from 10:30 to 11:30 A.M.





# Boone County Board Minutes



The County of Boone DBA Boone County Ambulance Service and EMS Billing Services, Inc. (EMS) of Omaha, Nebraska signed an Agreement in March 2014 for EMS to provide the patient transport billing services. EMS submitted documents for the Board to review that are in need of updated information regarding personnel contacts, collection agreement, and transport billing rates, etc. for the Boone County Ambulance Service. The Board reviewed the information provided by EMS and decided to increase the following base rates: BLS Non-Emergency \$400.00 to \$500.00; BLS Emergency \$550.00 to \$600.00; ALS Non-Emergency \$450.00 to \$500.00; ALS Emergency Level 1 \$600.00 to \$650.00; ALS/Emergency Level 2 \$700.00 to \$750.00; Specialty Care Transport \$850.00 to \$900.00; and no change to the \$15.00 per loaded mile rate. The Board understands that the rate increases still fall in the lower range of the current industry rates. The Board reviewed and discussed the billing and collection agreements. Motion made by Temme, second by Rutten to approve the base rate for BLS Non-Emergency-\$500.00; BLS Emergency-\$600.00; ALS Non-Emergency-\$500.00; ALS Emergency Level 1 \$650.00; ALS/Emergency Level 2 \$750.00; Specialty Care Transport \$900.00; \$15.00 per loaded mile rate to be effective April 1, 2019; and EMS Billing Services, Inc. for collections from start to finish for Boone County Ambulance Service retroactive to January 1, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board approved changes in regard to the Boone County Ambulance Services for patient transports and billing services. The Boone County Ambulance is an ALS Unit and is used primarily for transport of patients from one hospital to another and a doctor in charge must recommend the ambulance services. This resolution shall void and take precedence over Resolution No. 2016-70 and all prior resolutions that pertain to the operation of the Boone County Ambulance Service. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2019-03, operation of the Boone County Ambulance Service. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Denny Johnson, County Sheriff, presented a quote to re-route the computer and radio wires in the County Law Enforcement building for the Board to review. Due to recent building renovation and new equipment that will be installed for the Boone County and Nance County 911 Communications merger project, the wires under the counters need moving and the wires that are no longer in use need to be removed. Motion made by Temme, second by Rasmussen to approve the estimate of approximately \$3,942.36 from Applied Connective Technologies, LLC to re-route the computer/radio wires in the County Law Enforcement building as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Denny Johnson, County Sheriff, presented quotes to the Board for review for new mobile radios, portable VHF, accessories and repeaters for six patrol units. The three estimates from Platte Valley Communications were \$100,807.20, \$110,596.35 and \$146,620.33. The Board and Johnson plan to review the preliminary new radio estimates before deciding the radio package that is needed for communication with the new Statewide Radio System (SRS).

Tanya Sharp, Boone County Health Center Chief Executive Officer, presented the Boone County Health Center audit report for year ending September 30, 2018 to the Board for their review. Sharp reviewed areas of the financial audit in regard to the statements of net position, revenue, expenses, cash flow and statistical highlights with the Board. The audit report shows composition of patient receivables to consist of the following: Medicare – 40%; Medicaid – 7%; Private Pay – 24%; and Other Third-party pay – 29%. Sharp noted that as of the year ending September 30, 2018 the employees full-time equivalent at the Health Center were 182 and the Clinics were 48. The Boone County Health Center Clinics are located in Albion, Elgin, Fullerton, Newman Grove and Spalding. A copy of the Boone County Health Center fiscal year audit of October 1, 2017 through September 30, 2018 is on file at the Boone County Clerk's office.



# Boone County Board Minutes



Sharp prepared binders for the Board that included a history of the medical facilities, board of directors and bylaws, administrative team, medical providers, services offered, health care terms, etc. In addition, Sharp introduced Don Casper, Jody Choat and Ken Schmitz, Board of Directors members that were present at the Board meeting. They updated the Board in regard to an anticipated health center new building project that would provide new clinic facilities, outpatient clinic, laboratory and other departments that would be adjacent to the south of the present health center clinic area. The present clinic was built for a physician staff of five and today they have fourteen physicians in the clinic. Also, Sharp acknowledged that Board of Director member, Jody Choat, will be stepping down as her second six year term will be completed in June. A Board of Director position may serve two six year terms.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. The new CAT Wheeled Excavator has been delivered and is currently located at the County Road Shop District #2, Albion.

Stacey Robinson, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to back-haul aggregate for the County. The contracts are for the year 2019 with the contractor compensation being \$7.00 per ton for road gravel 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 Ron Beckman/Beckman Lumber, Inc., Ken Luettel, JACK Dynamic, LLC, and Corey Dobson, Dobson Transfer, LLC. Motion made by Temme, second by Rutten to authorize the Board Chairman to sign the Non-Exclusive Contracts for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent presented a radio quote for the Board to review from Platte Valley Communications, Inc. of Kearney, Nebraska for the County Road Department new excavator. The quote is for a new mobile radio XPR5350E 136-174 45W GOB BT/GNSS/WIFI for \$953.23. In addition, the road department may possibly need an additional new radio for the recently purchased truck tractor. The Highway Superintendent informed the Board that the radio quote may be used for both the excavator and truck tractor. Motion made by Rasmussen, second by Temme to approve and authorize the County Highway Superintendent to purchase new radio(s) for the County Road Department's newly purchased equipment for \$953.23/per radio from Platte Valley Communications, Inc. as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board authorized the County Highway Superintendent on January 22, 2019 to purchase a truck tractor and pup trailer for County Road District #1, Cedar Rapids to replace the 1991 truck/pup trailer. The Board reviewed purchase contracts for a 2015 Mack Truck Tractor for \$87,000.00 and a 2014 Cornhusker Pup Trailer for \$30,500.00 from RDO Truck Center, Co. of Norfolk, Nebraska. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the purchase contracts for the 2015 Truck Tractor and 2014 Cornhusker Pup Trailer from RDO Truck Center, Co. for \$117,500.00 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Steve Pritchard, UNL Extension, presented an As-Needed employee application for the Board to review. Pritchard informed the Board that the applicant is a 4-H Council Board Member and club leader. The applicant may be familiar with some of the office activity. Motion made by Rutten, second by Rasmussen to approve the As-Needed employee application of Vanessa Cumming, St. Edward, Nebraska as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



The Board approved a ninety (90) day Introductory Period with an evaluation for the County Road Department employees and that the designated ninety day Introductory Period be communicated to the employee upon employment on February 19, 2019, following a discussion with the County Highway Superintendent. The County introductory period is for the department head to assess the employee's performance for continued employment. The history of the county introductory period has not included a pay raise. The County Road Department hired two new full-time road employees in November 2018. The two new road employees did receive a cost of living in January that was the same amount for all road employees. The two new road employees did not receive the new Performance Evaluation merit based pay of (0-12 cents) that was a new benefit beginning in November 2018 that replaced the former 1979 longevity program benefit. The consensus/suggestion of the Board is for the Highway Superintendent to complete a Performance Evaluation merit based pay of (0-12 cents) program benefit for the two new road employees after completing the introductory period.

The Board and County Highway Superintendent discussed disposition of surplus property. The annual FFA auction is scheduled for April 7, 2019. The road department plans to consign surplus equipment. Motion made by Temme, second by Rasmussen to approve County surplus equipment to be consigned on the annual FFA auction. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board discussed disposition of County surplus property of office equipment/furniture and smaller items that are valued under \$100.00. At times some of the surplus items may be used/needed by another government entity such as another County office, schools, fire departments, etc. The consensus of the Board is for the smaller items valued under \$100.00 to be at the discretion of the department head to either donate to another government entity, set a price and tagged for sale in the courthouse hallway or advertise for sale. Motion made by Rasmussen, second by Temme to approve the disposition of the County surplus property valued under \$100.00 to be at the discretion of the department head as stated. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Jacqueline Wells, Veteran Service Officer, was unable to attend the Board meeting and asked to be re-scheduled at a later date.

## Public Comments:

- Meetings: BCDA, Inc. – March 12, 2019; Northeast Nebraska Association of County Officials – March 15, 2019; Area Agency on Aging – March 21, 2019.
- Commissioner Rasmussen updated the Board regarding the Nebraska Planning and Zoning Conference held in Kearney last week.
- Commissioner Rasmussen updated the Board regarding the East-Central District Health Department committee meeting.

Chairman Rasmussen declared the meeting adjourned at 1:00 P.M., with the next Board meeting scheduled for Monday, March 18, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MARCH 18, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 18, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of March 11, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Jeff Jarecki was appointed Boone County Public Defender in August of 2012. Jarecki reported that the cases assigned in 2012 through 2017 are all completed. Jarecki reported that he had been assigned forty-seven cases in 2018. Jarecki said that thirty-nine of the cases are closed; two of the cases were conflicts; and six cases remain open of which two are juvenile cases. Jarecki reported that he has been assigned three cases to date for 2019. Jarecki explained to the Board that some juvenile cases take a long time to complete. Juvenile cases may remain open until the court case is resolved or the age of nineteen. Jarecki answered the Board's questions regarding conflict of interest and closed/open cases. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved. The Board thanked Jarecki for the updated report and his diligent services. Jarecki thanked the Board and is very appreciative of the contract for public defender services. Motion made by Rasmussen, second by Temme to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board received two proposals for the advertised Courthouse Lawn Care for 2019. The Board opened and reviewed the two sealed proposals. The Board; Rod Nelson, Maintenance; Jim Jarecki DBA Jarecki Lawncare & Greenhouse, LLC; and Steve Schrad DBA Schrad's KLawn, discussed the 4-Step program and spraying of the entire lawn to control Yellow Nutsedge. The 4-Step program with fertilizer, weed control, grub control, insecticide, iron and Yellow Nutsedge control proposals were received from Jarecki Lawncare & Greenhouse, LLC - \$1,220.61 and Schrad's KLawn - \$1,200.00. The Board noted that the last several years the lawn care services have been alternated between the two businesses due to the businesses both being located in Boone County and do a good job. Motion made by Rutten, second by Temme to approve the 2019 lawn care proposal for the courthouse lawn care from Schrad's KLawn for \$1,200.00 for the 2019 year as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County of Boone DBA Boone County Ambulance Service and EMS Billing Services, Inc. (EMS) of Omaha, Nebraska signed an Agreement in March 2014 for EMS to provide the patient transport billing services. The Board approved EMS for collections of patient transport billing services from start to finish for the Boone County Ambulance Service on March 11, 2019. EMS submitted a Business Associate Agreement for the Board to review. Business Associate Agreements are executed to appropriately safeguard protected health information (PHI) and compliance with the applicable provisions of the Health Insurance Portability and Accountability Act. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Chairman to sign the Business Associate Agreement between Boone County Ambulance Service and American Accounts & Advisers as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



The County AS400 server system was installed in April 2011. The IBM yearly hardware maintenance agreement ends May 2, 2019. The County received a maintenance renewal agreement to review and it is only for five months, due to IBM will not continue to guarantee support for the IBM Power 720 units. The County Clerk's office contacted MIPS, the County software/programs provider for guidance addressing AS400 server systems. The majority of the Counties have consolidated to the State AS400 and are paying a monthly network service fee to the State of Nebraska. Motion made by Rasmussen, second by Temme to authorize the Boone County Clerk's office to contact the State of Nebraska for a monthly network service quote/agreement and contact MIPS for a timeline to transfer the County AS400 information and programs to the State AS400 before the maintenance agreement ends May 2, 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Jacqueline Wells, Boone County Veteran Service Officer, updated the Board in regard to the Nebraska Department of Veterans Affairs (NDVA) and the VETRASPEC system. VETRASPEC is the secure web-based application that NDVA has purchased and implemented as a web based information system to track and assist veterans and eligible dependents in accessing all benefits of which they are, by law, entitled. Wells said that in order to access VETRASPEC to assist veteran's one must have accreditation training that is monitored by NDVA. Wells said that the week-long training for accreditation training is only held in Nebraska every odd numbered year. The accreditation training is scheduled for April 8-12, 2019 in Omaha. Wells asked the Board for the County to pay the accreditation training fee for an as-needed employee. The County Employee Handbook classification of a Part-Time/As-Needed Employee is that they are not eligible to work more than 19 hours in any said work week and are not eligible for County benefits. The Board, Wells and Tina Landauer discussed the present County Veteran Service office situation. If Wells is not available in the office, presently Landauer cannot access the VETRASPEC program in order to assist a veteran. The Board emphasized that a non-full time employee does not receive County paid benefits. Landauer expressed to the Board that she could not personally afford the accreditation training. Wells and Landauer said that it is owed to the area veterans to have someone available to assist them. Motion made by Rasmussen, second by Rutten to approve paying a one-time accreditation training fee for a non-full time employee due to NDVA regulations and HIPPA law when accessing the VETRASPEC system with the motel being direct billed and use of a county vehicle to the training in Omaha. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Denise Ziemba, Region 44 Emergency Manager, and Ben Rutten, County Commissioner District #1, meet with City of St. Edward residents to discuss the catastrophic flooding – March 18, 2019.
- Chairman Rasmussen updated the Board regarding the Local Disaster Declaration he signed on March 14, 2019 to declare a state of emergency due to floodwaters that started on March 13, 2019.
- The County Highway Superintendent updated the Board in regard to road equipment repair, conditions of the county roads/bridges, road employees working the mail/bus routes today, and infrastructure damage logged to date from the storm system that started on March 13, 2019. The county road records list 194 bridge structures. To date seven bridges are damaged/destroyed.
- The County Sheriff updated the Board regarding area road conditions and floodwater damages.
- The Board acknowledged the telephone calls and in person contacts from County residents regarding conditions of county roads/bridges.

Chairman Rasmussen declared the meeting adjourned at 11:25 A.M., with the next Board meeting scheduled for Tuesday, March 26, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 26, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, March 26, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rasmussen, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$91,627.45, BCBS \$50,673.40, Ameritas Ret \$6,310.62, EFTPS \$6,825.81, Section 125 Fees \$10.00, Wellness Program \$91.38; Road \$58,684.77, BCBS \$31,541.18, Ameritas Ret \$3,961.22, EFTPS \$4,428.12; Ambulance \$4,519.38, Ameritas Ret \$134.10, EFTPS \$345.74; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of March 18, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Randall Bruland, County Ambulance Administrator, presented a quote for the Board to review for a new AutoPulse battery for use with the AutoPulse platform in the Boone County Ambulance. Bruland informed the Board that the Ambulance has a charged backup battery for the AutoPulse. The current battery is not charging properly. Motion made by Temme, second by Rutten to approve and authorize Randall Bruland, Ambulance Administrator, to purchase an AutoPulse Li-Ion battery for use with the AutoPulse Platform for the County Ambulance unit for \$800.25 from Zoll Medical Corporation as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On March 18, 2019 the Board authorized the Boone County Clerk's office to contact the State of Nebraska for a monthly network service quote/agreement and contact MIPS for a timeline to transfer the County AS400 information and programs to the State AS/400 server system. The County AS400 server system was installed in April 2011 and IBM yearly hardware maintenance agreement ends May 2, 2019. The County received a maintenance renewal agreement to review and it is only for five months at \$459.54, due to IBM will not continue to guarantee support for the IBM Power 720 units. The county owned AS400 server installed in April 2011 and hardware maintenance agreements through May 2, 2019 total \$21,404.99. The approximate quote received from the Nebraska Office of the CIO for the Boone County Clerk's office MIPS programs for payroll, claims/accounts payable, budget system and an NAC fee is a monthly cost of \$30.88. Motion made by Rutten, second by Rasmussen to approve the County of Boone, Nebraska to consolidate the Boone County Clerk's office MIPS programs to the State AS/400 server prior to May 2, 2019 with an approximate monthly fee of \$30.88 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The County of Boone and the City of Albion Police Department has had an Interlocal Agreement for several years with regard to a one-mile radius jurisdiction of the city limits of the City of Albion. It is a joint



# Boone County Board Minutes



jurisdiction of the two law enforcement agencies for the one-mile radius outside the City of Albion. This agreement is reviewed on an annual basis. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign Resolution No. 2019-04 an Interlocal Agreement between the County of Boone and City of Albion for law enforcement purposes commencing on April 1, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Jacqueline Wells, Veteran Service Officer, has registered to attend County Veteran Service Officers meetings in Omaha, Nebraska from April 8-12, 2019. The Board received information that the Burt County Veteran Service Officer may carpool with Boone County to Omaha. Motion made by Rasmussen, second by Rutten to approve the Burt County Veteran Service Officer to occupy/operate the Boone County vehicle that is being used to carpool to meetings in Omaha, Nebraska from April 8-12, 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Larry Temme, Rae Valley Market LLC, presented an application for a Special Designated License (SDL) for May 4, 2019. The Board reviewed the application for a Special Designated License (SDL) for a wedding reception scheduled for Saturday, May 4, 2019 at the St. Bonaventure Church Hall in Raeville, Nebraska. Motion made by Rutten, second by Rasmussen to approve, as presented, the Application for a Special Designated Liquor License request from Rae Valley Market LLC for a wedding reception at St. Bonaventure Church Hall, Raeville, Nebraska on May 4, 2019 as presented. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Abstain: Temme. Motion carried.

The Board held a public hearing on Tuesday, March 26, 2019 in regard to proposed revisions and updates to the Boone County Zoning regulations. The Board approved additional changes, in addition, to the recommended revisions and updates from the Boone County Joint Planning Commission Board. Motion made by Rasmussen, second by Temme to table approval of Resolution No. 2019-05, to a future Board meeting to allow for the additional changes to be addressed in the resolution. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Due to the storm system that started on March 13, 2019 and covered several areas of Boone County with floodwaters, the Board and Nathan Olson plan to re-schedule the viewing of the crop ground leased site. The crop ground area is too wet/muddy to access.

The County Highway Superintendent has looked at a dump box trailer for hauling pipe, culverts and the new bobcat. The new bobcat has been delivered. The Highway Superintendent informed the Board that the style/type of trailer that the road department is looking for is located at J & G Trailers, Scribner, Nebraska. The cost of the new trailer is less than \$10,000.00. Motion made by Rasmussen, second by Rutten to approve and authorize the County Highway Superintendent to purchase a dump box trailer from J & G Trailers, Scribner, Nebraska as discussed. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The County Highway Superintendent and the Board discussed the purchase of a one ton pickup to pull a new dump box trailer. No action by the Board as no quotes were presented for the Board to review.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects.

The County Highway Superintendent had photos for the Board to view and updated the Board regarding the county road/bridge conditions:





# Boone County Board Minutes



- The main goal right now is to get the heavily traveled roads, bus routes and mail routes back in order. As well as making sure everyone has at least one way out from their residence. Then we will concentrate on the other areas.
- The road department has three sites to excavate clay dirt from: west of Cedar Rapids, Zabka's hill that is northwest of Albion along Highway 14 and on 300<sup>th</sup> Avenue, southeast of Boone. Three local contractors are helping to haul the dirt and crushed concrete to the county road department yards.
- Bridge #15230 located on 350<sup>th</sup> Street, west off Highway 39 and Bridge #34615 located on 320<sup>th</sup> Street, east off Highway 39 were washed out at the west approaches so severely that the wings need reinforced with one inch pipe, hooking on from the I-beam to the wing, holding the wing in place so dirt can be filled back into the washed-out area.
- The bridge located on 305<sup>th</sup> Street and 300<sup>th</sup> Avenue southeast of Boone, had major washing of the road on both sides of the bridge. There was at least ¼ mile of road destroyed south of this bridge site. This is the site where we have a local contractor helping build up the road again.
- Bridge on 350<sup>th</sup> Street has been fixed and we are in the process of filling in the washed-out area.
- Bridge on 320<sup>th</sup> Street is to be fixed today.
- The road on 300<sup>th</sup> Avenue has been built up in the middle. The sides are very wet yet.
- Area of concern is northwest of Petersburg on Valley Road. There is an area where the road no longer has any base and we are looking at very large ruts. Hauled 6+ loads of crushed concrete and rock as well as loads of sand and dirt and we are still having major issues. This area is signed to warn the public.
- A large wash out is on 115<sup>th</sup> Street between 160<sup>th</sup> Avenue and 170<sup>th</sup> Avenue.
- Bridge #00715 collapsed, it is located on 130<sup>th</sup> Avenue, ¼ mile south off Highway 52, east of Primrose. Barricaded to keep spectators away for their safety.
- Bridge #21105, located on 150<sup>th</sup> Avenue, ½ mile south of Highway 52, major wash out, is going to need extensive repair or total replacement.
- The county bridge on the south side of St. Edward that goes to their lagoon had the deck washed away.
- Major road wash issues on 180<sup>th</sup> Avenue, south of Highway 56 had sand across road due to the river running over the road.
- Most the bridge damage is washed out approaches. Waiting for a bridge inspector to come and assess the damaged areas.

## Public Comments:

- Meetings: Boone County Trails System – March 26, 2019; Boone County Health Center – March 26, 2019; Cedar River Bank/Batenhorst site – March 28, 2019; County Board of Equalization workshop – June 5, 2019; County Board workshop – June 6-7, 2019.
- Commissioner Rasmussen updated the Board regarding the East-Central District Health Department meeting.
- Commissioner Rutten updated the Board regarding a meeting with the City of St. Edward and residents in regard to the floodwaters and storm damage.
- Commissioner Temme updated the Board regarding the Area Agency on Aging meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.



# Boone County Board Minutes



- Commissioner Temme updated the Board regarding a meeting on March 20, 2019 with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.
- Barb Hanson, County Assessor, updated the Board regarding possibly needing to update the aerial photos of the county that were taken in 2010.

Chairman Rasmussen declared the meeting adjourned at 11:58 A.M., with the next Board meeting scheduled for Monday, April 8, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Tuesday, March 26, 2019 at 10:26 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Larry Temme, Ben Rutten and Alan Rasmussen. Also, present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator; Mathew F. Salwei, Applicant; Carmen C. and Vivian L. Eucker, property owners; and Jeff Jarecki, Attorney representative for property owners. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Mathew F. and Amber L. Salwei. Carmen C. and Vivian L. Eucker are the property owners of the real estate referenced herein. The application request is to divide 22.26± acres of which 1.55± acres is occupied by County Road Right-of-Way, from a parcel of land to purchase the existing family building site. This parcel of land is located in a fraction of the NW1/4NW1/4 of Section 35, Township 21 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Upon receiving a copy of the survey at the March 26, 2019 Board hearing, the following changed/corrected in the proceedings from the posted Board agenda: acres changed from 22.27± to 22.26±.

Jeff Jarecki explained to the Board that the purpose for dividing the 22.26± acres from the parcel of land is for Carmen and Vivian Eucker to sell the existing family building site to their son in-law and daughter Mathew and Amber Salwei, whom presently lives on the building site and farms the real estate. A survey for 22.26± acres of which 1.55± acres is occupied by County Road Right-of-Way, is completed. An Agriculture District A-1 Agreement has been signed by Mathew and Amber Salwei. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 22.26± acres from the existing parcel of land. Ziemba said that there were no objections to the request.

Motion made by Rasmussen, second by Temme to close said public hearing at 10:31 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the Conditional Use Permit submitted by Mathew and Amber Salwei to divide 22.26 ± acres of which 1.55± acres is occupied by County Road Right-of-Way, from a parcel of land to purchase the existing family building site. This parcel of land is located in a fraction of the NW1/4NW1/4 of Section 35, Township 21 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS BOONE COUNTY ZONING REGULATIONS

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Tuesday, March 26, 2019 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Present for roll call were Commissioners Larry Temme, Ben Rutten and Alan Rasmussen. Also, present for said hearing to answer any questions was Mary Ziemba, County Planning and Zoning Administrator.

The purpose of the hearing is for discussion, consideration, hearing testimony in favor of or opposition to, to answer questions and take necessary action in relation thereto the proposed revisions and updates to the Boone County Zoning regulations: Article 12: A-1 Primary Agricultural District; Article 13: A-2 Secondary Agricultural District; and Amend Resolution No. 2018-22.

The Boone County Board of Commissioners and Boone County Joint Planning Commission Board held an advertised joint meeting on February 26, 2019 and discussed the Boone County Comprehensive Plan and Boone County Zoning regulations.

The Board reviewed and discussed the proposed changes of Article 12: A-1 Primary Agricultural District - Section 4: 4.1, Lot Requirements and Intensity of Use; Article 13: A-2 Secondary Agricultural District - Section 1: 1.2, Permitted Principal Uses; Section 2: 2.3, Conditional Uses; and Section 4: 4.1, A; 4.1, C; 4.2, B; 4.2, B (1), Lot Requirements and Intensity of Use; and to amend Resolution No. 2018-22.

Motion made by Rutten, second by Temme to close said public hearing at 10:18 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Boone County Zoning Regulations be revised and amended as follows:

### Article 12: A-1 Primary Agricultural District

#### Section 1: Permitted Principal Uses

- 1.2 Strike all of 1.2 and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

#### Section 2: Conditional Uses

- 2.3 C. Strike all of 2.3, C and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum





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maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

## Article 13: A-2 Secondary Agricultural District

### Section 1: Permitted Principal Uses

- 1.2 Strike all of 1.2 and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

Addition to this Section 1, shall read:

- 1.10 Single-family dwellings will have no less than three (3) sequential acres.
- 1.11 The maximum dwelling density, both existing and new dwellings, is no more than four (4) dwelling units per one quarter (1/4) section. The plat or lot split shall designate from which quarter (1/4) section the lot is being removed.
- 1.12 All driveways shall be adjacent to an improved county/state road or highway.
- 1.13 All drives shall be arranged to provide adequate sight lines per State of Nebraska Department of Roads standards and approved by the County Highway Superintendent.
- 1.14 All lots shall meet standards for well and septic systems as established by the Nebraska Departments of Health and Human Services and Environmental Quality.

### Section 2: Conditional Uses

- 2.3 C. Strike all of 2.3, C and then shall read: Any residential type dwellings, provided the Intensity of Use and all other requirements of this district are met. In no case are any residential type dwellings permitted on tracts without legal access to an improved road unless by a conditional use permit. Such tracts which include those that have lot or parcel boundaries on a minimum maintenance or undeveloped primitive road. The Conditional Use shall include the cost of improving the road by the applicant as a condition of the permit.

### Section 4: Lot Requirements and Intensity of Use

Strike certain wording and shall read:

- 4.1 Minimum Lot Area:
- A. Single-family dwellings – Three (3) sequential acres including road right-of-way and at a density of no more than four existing or new acreage or farmsteads per one-quarter (1/4) section, except as herein exempted or on non-conforming lots of record.
- (1) Should the lot be located within two (2) one-quarter (1/4) sections, the plat or lot split certificate shall designate from which one-quarter (1/4) section tract the lot is being removed.
- C. Seasonal dwellings – Three (3) sequential acres including road right-of-way.
- 4.2 Exemptions:
- B. Existing farmsteads with single-family dwellings at the time of adoption of these



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regulations may be located on lots of:

- B. (1) The lot created shall not be less than three (3) sequential acres including road right-of-way.

Amending Resolution No. 2018-22:

Article 12: A-1 Primary Agricultural District

## Section 4: Lot Requirements and Intensity of Use

- 4.1 A. Strike all under the fourth (4<sup>th</sup>) “dot”, and then it shall read: A five (5) sequential acre minimum for any parcel split which shall require a Conditional Use Permit including the right-of-way with the plat or lot split certificate and survey designating from which quarter (1/4) section tract the parcel is being removed.

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

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
APRIL 8, 2019  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 8, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Larry Temme, Alan Rasmussen and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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. Motion made by Rutten, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$45,440.74; Road/Weed - \$126,670.55; Boone County Visitor's Promotion - \$1,074.98; 911 Emergency Management (2910) - \$6,962.79; 911 Wireless Service (2913) - \$471.49; Ambulance - \$3,809.91; Road/Bridge Buyback - \$1,855.00; Veterans Aid - \$2,000.00; and 911 Holding (2914) - \$18,025.13. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of March 26, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Zoning Regulations Public Hearing Proceedings of March 26, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Zoning Conditional Use Permit Public Hearing Proceedings of March 26, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the following reports of the County Officials as presented for March, 2019:

- Clerk - \$14,643.05 (State of Nebraska - \$8,832.50/County of Boone - \$5,810.55)
- Clerk of the District Court - \$2,060.85 (State of Nebraska - \$1,626.00/County of Boone - \$434.85)
- Sheriff - \$2,547.75
- Treasurer – Misc. Receipt Nos. 16913-17013 - \$2,771,680.83; Total Collections - \$3,603,767.62.

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

Mary Ziemba, Zoning Administrator, presented Resolution 2019-05 for the Board's consideration regarding the following:

- Revisions to Sections 1 and 2 in Article 12: A-1 Primary Agricultural District;
- Revision to Sections 1, 2 and 4 in Article 13: A-2 Secondary Agricultural District; and
- Amendment of Resolution No. 2018-22 regarding Section 4.

Said resolution is presented pursuant to public hearings held on October 22, 2018, January 28, 2019 and February 26, 2019 after proper notice was given, and approval by the Boone County Planning



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Commission; and public hearing after proper notice, by the Boone County Board of Commissioners on March 26, 2019. Motion made by Rutten, second by Temme to approve Resolution No. 2019-05 regarding the revisions to Article 12: A-1 Primary Agricultural District and Article 13: A-2 Secondary Agricultural District; and amending Resolution No. 2018-22 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Mary Ziemba, Zoning Administrator, updated the Board regarding current conditional use applications received. Ziemba also indicated to the Board that she will be working on revising the manual with regard to the language concerning the Floodplain Manager. The current language provides that the Highway Superintendent shall also be the Floodplain Manager. Ziemba will be asking for a revision changing the Floodplain Manager from the Highway Superintendent to the Zoning Administrator. Ziemba indicated that as part of her job as Zoning Administrator she has received training in floodplain management.

Denny Johnson, County Sheriff, presented a quote from Applied Connective Technologies for a Synology NAS Disk Station, 4 Bay Diskless, 2GB DDR4 and Western Digital Red 4TB NAS Hard Drive, for backup of body cam video. The current external hard drive that was being used crashed and that most of the video records had been lost, however, Applied Connective Technologies is trying to restore some of the footage. This system would provide backup to 4 disks so that if one disk is corrupted, then it would still be saved to three other disks. Sheriff Johnson indicated that similar equipment is being used by other law enforcement departments and was provided by Applied Connective Technologies. Sheriff Johnson indicated that Digital Ally could provide backup for this video to the iCloud at a monthly cost to the county, however, in the long run, it would be more expensive. Motion made by Rasmussen, second by Rutten to approve the estimate of approximately \$1,212.00 from Applied Connective Technologies, LLC for the Synology NAS Disk Station, 4 Bay Diskless, 2GB DDR4 and Western Digital Red 4TB NAS Hard Drive. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Denny Johnson, County Sheriff, updated the Board on the renovations being done at the Sheriff's Office. Sheriff Johnson indicated that he would be spending approximately an additional \$500.00 on countertops. He is going to replace some of the current countertops with the same countertop that is being newly installed. Also, Sheriff Johnson indicated that he has looked into a single cabinet-type bulletin board that could be used to show the current fees charged by the office. At the present time, there is a sheet of paper with all the fees taped to the inside window but since the new window will be smaller than the current window, there will not be room to continue this practice. He indicated that the cabinet he had in mind can be found cheaper on the internet than from office supply companies. He asked for authorization to use the county credit card for this purchase. No action was taken at this time regarding credit card authorization.

Larry Bird, Chairman of the Friends of the Trail Committee, appeared to provide an update regarding the progress being made on the trail. The following items were discussed:

- Persons/parties have agreed to prepare the soil and seed the 4 foot strip along the trail. The seed that is to be used is quite expensive and the foundation inquired as to whether or not the County's federal ID number could be used in order to obtain an exemption from sales tax when purchasing the grass seed. Board indicated that they did not think the sales tax would be that much and were not agreeable to the foundation using the County's federal ID number.
- A horticulturist who reviewed the trail indicated that there were several thorn trees that were showing up along the trail and that they should be removed in order to prevent them spreading. Since the real estate the trail is located on is owned by the County, Bird inquired as to whether or not it would be okay for them to remove these trees. Board indicated that they would have no problem with these trees being removed.





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- Wendy Bonge requested permission to have her Art Club use the trail on a date yet to be scheduled at sundown. She indicated that they would like to use motorized carts on the trail, probably golf carts, since some of the members are not able to walk the trail. The Board indicated that if the City had no problem with it, then they would agree as well. Commissioner Rutten indicated that it may be advantageous to create a “special event permit” that would be issued so that future parties would know that it was a special event and not regular practice. Bird was going to talk to the City regarding issuing special event permits.
- Bird indicated that they had parties willing to provide perennial plants from their own gardens to plant along the trail. The Board indicated that they had no problem with that, however, it needs to be understood that the County will not be responsible for upkeep of the plants.
- Bids are being taken for erosion control and to complete the part of the trail that belongs to the City of Albion.

The County Highway Superintendent, updated the Board regarding the following matters:

- Currently working on flood damaged roads. Additional road issues have come up as time as gone by; specifically some bridge approaches that checked out fine during the first review are now showing approach damage. The crews have been very productive in the past week.
- The pony truss bridge on the east edge of Cedar Rapids will need to be inspected before it can be reopened. It is anticipated that the inspection should be completed this week. The road will need to be built back up but it is hard to determine the amount of damage to the road due to the sand and river silt that has been deposited.
- Road department is looking for yellow clay. Some spots have been located and the Highway Superintendent will be contacting the landowners. Going price is between \$1.00 and \$2.00 p/yard.
- Work is being done with regard to information needed for FEMA/NEMA funds. The deadline to have this done is April 20, 2019. It is the understanding that at least 75% can be reimbursed for public infrastructure and buildings.

The County Highway Superintendent requested approval from the County Board to hire a part-time person for the summer at least. A temporary employee is defined in the handbook as one working 19 hours or less. Highway Superintendent indicated that she would like to have this person work at most 30 hours per week. Discussion was had regarding the County’s responsibility regarding retirement and health insurance benefits. The Board concluded that additional information was needed and indicated that the matter would be put on the April 15, 2019 Board agenda for further review.

Marv Haas, Mayor, and Dean Hamling, President of the City Council of St. Edward, appeared before the Board regarding the possibility of entering into an Interlocal Agreement with the County to contract the services of the Boone County Zoning Administrator to administer the zoning regulations within the City of St. Edward. The Board and St. Edward representatives discussed terms currently used in similar agreements with the Village of Cedar Rapids and Village of Petersburg. The Board indicated that they would be willing to enter into such an arrangement pending review of a proposed agreement. The City of St. Edward will contact their attorney about drafting an agreement and upon completion of the agreement and passage by the City, will present the same to the County Board for review and approval.

## Public Comments:

- Paul Groeteke and Chuck Rolf, members of the Building Advisory Committee, updated the Board on the progress being made regarding the construction of the new fairgrounds building. They advised the Board that the electrical inspector has issued standards that could result in a significant change order. Groeteke indicated that he will be contacting the electrical inspector regarding setting up a meeting to



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go over the standards and indicated that he would like to have one of the Board members present for the meeting. He will contact the Board once the meeting is set.

Chairman Rasmussen declared the meeting adjourned at 12:01 P.M., with the next Board meeting scheduled for Monday, April 15, 2019.

Lorrie Nicklasson,  
Deputy Boone County Clerk



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APRIL 8, 2019

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, April 8, 2019 at 11:02 A.M., in the Boone County Commissioners Meeting Room. Motion was made by Commissioner Rasmussen, second by Commissioner Rutten to open said public hearing. Notice of hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Alan Rasmussen, Ben Rutten and Larry Temme. Chairman Rasmussen read the notice for the record.

The County Board of Commissioners has the power to sell real estate owned by the county, specifically Lots 27, 28, 29, 30, 31 and 32, all in Block 5, West Petersburg, Petersburg, in Boone County, Nebraska. The County Board shall hold an open and public hearing prior to any such sale at which time any interested party may appear and speak for or against the sale and raise any issue concerning the County Board selling said property.

The County Board of Commissioners ran a public notice the weeks of March 18, 2019 and March 25, 2019 prior to today's date of hearing in the Albion News and Petersburg Press.

There was no one present in opposition at the public hearing. The County Board will proceed with publication of notice to accept sealed bids for the vacant lots described herein.

Motion made by Temme, second by Rutten to close said hearing at 11:20 P.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to advertise in the Albion News and Petersburg Press the week of April 15, 2019 to accept sealed bids for the residentially-zoned vacant lots described as Lots 27, 28, 29, 30, 31 and 32, all in Block 5, West Petersburg, Petersburg, Boone County, Nebraska. Sealed bids will be accepted until 4:00 P.M. on Friday, April 26, 2019 at the office of the Boone County Clerk and will be opened and reviewed at 10:30 A.M. at the County Board meeting scheduled for Monday, April 29, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Lorrie Nicklasson  
Deputy Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS APRIL 8, 2019

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, April 8, 2019 at 11:02 A.M., in the Boone County Commissioners Meeting Room. Motion was made by Commissioner Rasmussen, second by Commissioner Rutten to open said public hearing. Notice of hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Alan Rasmussen, Ben Rutten and Larry Temme. Chairman Rasmussen read the notice for the record.

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There was no one present in opposition at the public hearing. The County Board will proceed with publication of notice to accept sealed bids for the vacant lots described herein.

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Lorrie Nicklasson  
Deputy Boone County Clerk





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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 15, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 15, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of April 8, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board of Equalization Proceedings of April 8, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board Public Hearing Proceedings of April 8, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Randall Bruland, County Ambulance Administrator, presented a quote for the Board to review on March 26, 2019 for a new AutoPulse battery for use with the AutoPulse platform in the Boone County Ambulance. On March 26, 2019 the Board approved the purchase of one new battery. Bruland informed the Board that the AutoPulse platform uses two batteries and that there are always two batteries on the charger. Bruland said that the four batteries were purchased in 2010 and that the batteries are not charging properly. Motion made by Rasmussen, second by Rutten to approve and authorize Randall Bruland, Ambulance Administrator, to purchase three additional AutoPulse Li-Ion batteries for use with the AutoPulse Platform for the County Ambulance unit for \$800.25 each, plus freight, from Zoll Medical Corporation. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

On April 8, 2019 Marv Haas, Mayor, and Dean Hamling, President of the City Council of St. Edward, appeared before the Board regarding the possibility of entering into an Interlocal Agreement with the County to contract the services of the Boone County Zoning Administrator to administer the zoning regulations within the City of St. Edward. The City of St. Edward contacted their attorney about drafting an agreement. The City of St. Edward held a special meeting on April 11, 2019 and approved to have Boone County Zoning Administrator assume the duties of floodplain management, city zoning and building permits for the City of St. Edward. Dean Hamling, President of the City Council of St. Edward, presented an approved Interlocal Agreement/City Resolution No. 2019-04-01R for the Board to review. The Interlocal Agreement with the County has the same terms currently used in similar agreements with the Village of Cedar Rapids and Village of Petersburg. Motion made by Temme, second by Rutten to approve Resolution No. 2019-07, a Zoning Interlocal Agreement between the County of Boone and City of St. Edward as presented and the Boone County Zoning Administrator to administer the floodplain management/zoning regulations for City of St. Edward. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



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The Prairie Creek Vineyards, LLC of Central City, Nebraska, submitted an application for a Special Designated License (SDL) for July 10, 2019. The Board reviewed the application for a Special Designated License (SDL) for a wine tasting scheduled at the Boone County Fair on Wednesday, July 10, 2019 from 2:00-8:00 p.m. at the Casey Building, Boone County Fairgrounds, Albion, Nebraska. Motion made by Rutten, second by Temme to approve the Application for a Special Designated Liquor License request from Prairie Creek Vineyards, LLC of Central City for a wine tasting event at the Casey Building, Boone County Fairgrounds at Albion, Nebraska on July 10, 2019 as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Shannon and Amy Halsey, Branding Iron Grill and Pub of Tilden, Nebraska, presented an application for a Special Designated License (SDL) for April 27, 2019. The Board reviewed the application for a Special Designated License (SDL) for a wedding reception scheduled for Saturday, April 27, 2019 at the Creek Road Barn, 1846 330<sup>th</sup> Avenue, Newman Grove, Nebraska. Motion made by Temme, second by Rutten to approve the Application for a Special Designated Liquor License request from Branding Iron Grill and Pub for a wedding reception at Creek Road Barn, Newman Grove, Nebraska on April 27, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Ambulance Service submitted an uncollectible ambulance account for the Board to review as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to remove the \$1,015.00 for a June 19, 2017 Ambulance service from the EMS Billing Services account for purposes of bookkeeping and turn the account over to the County Attorney to attempt further collection. Motion made by Temme, second by Rasmussen to turn the June 19, 2017 County Ambulance Service account balance of \$1,015.00 over to the County Attorney for further collection. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to go into executive session at 10:29 A.M., per the Open Meeting Act §84-1410, prevention of needless injury to the reputation of a person and if such person has not requested a public meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried. The Board reviewed an employee request. Motion made by Rasmussen, second by Temme to come out of the executive session at 10:34 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried. Motion made by Temme, second by Rutten to approve the employee request. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, presented a quote for the Board to review for a new laptop computer. Ziemba informed the Board that the Dell laptop computer purchased in December 2010 is not working efficiently. Ziemba informed the Board that she may possibly be spending at minimum a day a week in the City of St. Edward to help them with their flood damage/zoning regulations and felt a new laptop computer would be beneficial for entering data and completing forms onsite. Motion made by Rutten, second by Rasmussen to authorize the County Zoning Administrator to purchase a Dell laptop with MX500 internal solid state drive for approximately \$1,117.60 from Applied Connective Technologies as presented and additionally approve software services for the new Dell laptop. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, presented a quote for the Board to review for a laptop computer. Ziemba informed the Board that she felt a laptop computer would be beneficial for entering the road, bridge and sign conditions/locations when onsite. Motion made by Rutten, second by Temme to authorize the County Highway Superintendent to purchase a Dell laptop with MX500 internal solid state drive for



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approximately \$1,117.60 from Applied Connective Technologies as presented and additionally approve software services for the new Dell laptop. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Boone County Highway Superintendent and General Road Foreman, updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects.

Barbara J. Michael requested permission to bore an electrical line under a county road commonly known as 260<sup>th</sup> Street running east and west between Sections 23 and 26, all in Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical line commences from an electrical pole located on the South side of 260<sup>th</sup> Street; running thence North to an existing irrigation well and pivot located in the SE1/4 of Section 23, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Rasmussen, second by Temme to approve Resolution No. 2019-06, granting permission to Barbara Michael to bore an electrical cable under a county road known as 260<sup>th</sup> Street to the SE1/4 of Section 23, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for irrigation purposes. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County Highway Superintendent presented a Customer Support Agreement from NMC Cat for the new M318 Wheeled Excavator that was purchased in March 2019. The preventive maintenance kits includes the filters and material for taking fluid samples for said equipment. The County has said preventive maintenance agreements on the latest purchased motor graders. The quote is \$254.38 per service at 250 hour intervals up to 2000 hours for an approximate total of \$2,035.00 for eight preventive maintenance service kits. Motion made by Rasmussen, second by Rutten to approve the Customer Support Agreement for the M318 Wheeled Excavator from NMC Cat for eight preventive maintenance kits at \$254.38 per service kit at 250 hour intervals up to 2000 hours as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board discussed the Road Project C-6 (394), Petersburg west (145<sup>th</sup> Street) that is on the 2019 One & Six Year Road Improvement Program at their February 26, 2019 Board meeting with Brian McDonald, JEO Consulting Group, Inc. The Board requested McDonald to bring back proposals for an option that would include six-inch concrete overlay on the east portion and mill down the base to return the west portion of the road to gravel. The Board did not receive proposals to review for today's meeting. In addition, the County Highway Superintendent informed the Board that due to the March 2019 storm/flood damages, that the 2019 One & Six Year Road Improvement Program may need amending to add storm damaged roads, bridges and asphalt roads. Motion made by Rasmussen, second by Rutten to authorize the County Highway Superintendent to prepare the necessary documents to amend the 2019 One and Six Year Road Improvement Program for County of Boone, Nebraska that was held on February 19, 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

On April 8, 2019 the County Highway Superintendent requested approval from the Board to hire a part-time employee. The Board decided that additional information was needed in regard to the County's responsibility regarding retirement and health insurance statutory benefits. The County Employee Handbook classification of a Part-Time/As-Needed Employee is that they are not eligible to work more than 19 hours in any said work week and are not eligible for County employee benefits. The Board reviewed the information received from the retirement, insurance, and labor law attorney offices. In addition, the majority of the counties that responded to



# Boone County Board Minutes



a survey regarding if they hired additional help as county employees or contracted help following the March 2019 adverse weather. The majority of the counties additional help was contracted. The consensus of the Board is to advertise for a Temporary Seasonal Employment for the County Road Department for a truck driver/motor grader operator, up to twenty-four hours per week, no benefits and employment ending August 21, 2019.

Motion made by Temme, second by Rasmussen to go into executive session at 11:58 A.M., per the Open Meeting Act §84-1410(1), prevention of needless injury to the reputation of an employee and if such person has not requested a public meeting. The Board met with the County Highway Superintendent and the County General Road Foreman to discuss a personnel issue. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried. Motion made by Rasmussen, second by Temme to come out of the executive session at 12:15 P.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried. No action was taken by the Board.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – April 15, 2019; Northeast Nebraska Area Agency on Aging – April 18, 2019; Region IV, Inc. /NorthStar Services – April 18, 2019; Boone County Health Center Board – April 23, 2019.
- Denny Johnson, Sheriff, updated the Board regarding the procedures for new 911 addresses and 911 address signage.
- Mary Ziemba, Zoning Administrator, updated the Board regarding her assisting the City of St. Edward with zoning issues and floodplain management.
- Tamiko Exford, intergovernmental affairs manager for the Federal Emergency Management Agency (FEMA), introduced herself to the Board. Exford answered questions and discussed FEMA services for individual assistance programs and public assistance programs. All individuals who had flood damage must register with FEMA as a first step. It will take some time before a county may receive seventy-five percent reimbursement for infrastructure damage. County governments may need to issue bonds or apply for short-term/long-term financing pending federal or state recovery funds for the road/bridge damages due to the recent March storms.

Chairman Rasmussen declared the meeting adjourned at 12:16 P.M., with the next Board meeting scheduled for Wednesday, April 24, 2019.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 24, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, April 24, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed and discussed the Payroll Claims filed for payment. The Board acknowledged overtime hours in the road department due to the March/April adverse weather conditions. The Board reviewed and adjusted payroll claim ID No. 74 regarding hours submitted for attending training that was discussed at the March 18, 2019 Board meeting. Motion made by Temme, second by Rutten to approve the County Payroll Claims, with the adjustment to ID No. 74, filed for payment from the various funds: General \$98,447.15, BCBS \$51,604.02, Ameritas Ret \$6,806.45, EFTPS \$7,346.91, Section 125 Fees \$10.00, Wellness Program \$91.38; Road \$60,779.39, BCBS \$31,541.18, Ameritas Ret \$4,102.59, EFTPS \$4,588.36; Ambulance \$2,113.75, Ameritas Ret \$81.19, EFTPS \$161.69; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board Proceedings of April 15, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Jack Nordeen, County Weed Superintendent, updated the Board regarding the condition of the weed spraying equipment. The present spraying equipment was purchased in 2009 and has had nozzle, etc. repairs the past years. Nordeen said that the condition of the pickup is good, but would be easier to work with the spraying equipment if the pickup had a flatbed instead of the box. The present spraying equipment includes two tanks, a 100 gallon and a 200 gallon, and runs electrically from the pickup. Nordeen and the Board discussed longer booms to swing out when spraying the road ditch areas. Motion made by Rasmussen, second by Temme to authorize the County Weed Superintendent to obtain quotes for the Board to review at a future meeting for a flatbed for the pickup to possibly replace the current box and spraying equipment with accessories that may attach to the front of vehicle or mounted to flatbed/box of vehicle. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County of Boone DBA Boone County Ambulance Service has an Agreement with EMS Billing Services, Inc. of Omaha, Nebraska to provide billing and collection services for the county ambulance services. The patient billings mailed by EMS Billing Services and then the Boone County Ambulance liaison are then considered uncollectible following the procedural time frame set for collections. The County Attorney's office has received several uncollectible ambulance accounts where the Board approves to remove the uncollectible amounts from the EMS Billing Services account for purposes of bookkeeping and turn the accounts over to the County Attorney to attempt further collection. There are different deadlines, depending on the type of ambulance service claim, for the County Attorney to file action for collection of the unpaid Boone County Ambulance Service accounts. There are two accounts where the time to file action for collection has lapsed. The following date of service for the unpaid accounts are as follows: 10/19/2015 - \$2,260.00 and 01/24/2016 - \$2,890.00, three years have lapsed since date of service. Motion made by Rutten, second by Rasmussen to designate said unpaid Boone County Ambulance Accounts in the amount of \$5,150.00 as uncollectible for



# Boone County Board Minutes



auditing purposes as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, LLC (Applied), the Board and Denny Johnson, County Sheriff, discussed the Communication's Towers located on County fairgrounds and cropland areas. Applied owns the 260 foot utility tower and 10' x 10' cement block transmitter building located on the County cropland. Applied has a Lease Agreement with the County of Boone for approximately 1.20 acres of the County cropland area. Knott explained to the Board the rural wireless internet services that Applied provides within Boone County and to the surrounding areas beyond Boone County. Knott asked the Board if they would consider leasing space on the County Communications Tower located on the fairgrounds to Applied to install their equipment that services wireless internet to rural communities. Johnson said that he would like to involve Michael Epley, Platte Valley Communications of Kearney, in the discussion. Platte Valley Communications are involved with the installation of the Nebraska Statewide Radio System (SRS) equipment and the new equipment for the Boone/Nance 911 Communications merger on the County Communications Tower located on the County fairgrounds. Knott informed the Board that there is a 3-4 month scheduling for Great Plains to move fiber optic. Applied would pay to have the fiber optic moved to the County Communications Tower located on the County Fairgrounds. Knott felt that if Applied could move to the County Communications Tower then the tower Applied owns on the County cropland would be removed. The consensus of the Board is for Ed Knott and Denny Johnson to visit with Michael Epley, Platte Valley Communications, this week in regard to the frequencies, etc. involving Applied to install and lease space on the County Communications Tower and report back on the April 29, 2019 Board meeting.

The Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, infrastructure damage from the March/April adverse weather, materials and projects. The County Highway Superintendent informed the Board that the County Road Department will continue the regular scheduled work time of five days per week at eight hours per day and that there will be no regular scheduled time periods of four ten hour days this year.

The County Highway Superintendent and Board discussed advertising for hiring a full-time road employee. The Highway Superintendent said that she heard a road employee may be retiring at the end of the year. The consensus of the Board is not to hire a full-time road employee until they receive a written resignation from the employee.

The Board, Denny Johnson, County Sheriff, Stacey Ziemba, County Highway Superintendent, Mary Ziemba, Zoning Administrator, and Pam Jochum, employee, discussed paying of employees work hours for meetings/classes. The County Employee Handbook Exhibit "F-1" update August 2017 addresses meetings/classes travel expenses per one day or more than one day, travel time paid and how meeting time is figured per conference/meeting agenda.

In addition, the County Highway Superintendent, asked the Board to approve bridge certification training for the County General Road Foreman. The road foreman/safety manager 2017 job description addresses the road foreman performing annual bridge inspections required by the state and federal governments. Motion made by Temme, second by Rutten to approve the bridge inspection training for the County General Road Foreman in accordance with the County Employee Handbook travel expenses and meeting time. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

In addition, the County Highway Superintendent, asked the Board to approve continued hours expenses each year for the General Road Foreman's Highway Superintendent License. Commissioner Rasmussen updated the Board that when the General Road Foreman was hired by the County, he was not hired as the County Highway Superintendent. If he chooses to keep his Highway Superintendent License current, the continuing education



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hours for certification are self-funded and the employee uses vacation time. Motion made by Rasmussen, second by Rutten that the General Road Foreman continued hours certification for his Highway Superintendent License continues to be self-funded and with the use of vacation time. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: County Board of Equalization workshop – June 5, 2019; County Board workshop – June 6-7, 2019.
- Commissioner Rasmussen updated the Board regarding the Region IV, Inc./NorthStar Services meeting, Boone County Fitness Center meeting and met onsite of the County cropland with Nathan Olson, lessee.
- Commissioner Temme updated the Board regarding the Northeast Nebraska Area Agency on Aging meeting and Boone County Agricultural Society, Inc. meeting.
- Commissioner Rutten updated the Board regarding Region 44 Emergency Services, Local Emergency Planning Committee (LEPC) meeting and a FEMA meeting held in St. Edward.
- Denny Johnson, Sheriff, and Rod Nelson, Maintenance, informed the Board that the former Albion Fire Hall is being sold and that the County has some equipment and supplies stored in said building.

It shall also be the duty of the County Board of each county of this state to visit the jail of its county per Nebraska State Statute §47-109. The Board conducted a routine visit of the Boone County Jail per Nebraska State Statute.

Chairman Rasmussen declared the meeting adjourned at 12:30 P.M., with the next Board meeting scheduled for Monday, April 29, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
APRIL 29, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 29, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of April 24, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Jacqueline Wells, County Veteran Service Officer, updated the Board in regard to the Nebraska Association County Veteran Service Officers (NACVSO) accreditation training that Wells and Tina Landauer attended in Omaha the week of April 8-12, 2019. The Board proceedings of March 18, 2019 discussion approved paying a one-time accreditation training fee for a non-full time employee. Wells felt that the as-needed employee should receive some paid meeting (work) hours since the County will not be paying a separate motel bill or food expenses for Landauer. Wells said that the Burt/Thurston County Veteran Service Office is paying for the shared motel room (Wells, Landauer and Warren) for the accreditation training. The Board expressed their concerns that a non-full time employee does not receive County paid benefits. The Board expressed to Wells that their understanding of Landauer receiving accreditation was so Landauer would be able to access the VETRASPEC program and be able to assist a veteran when Wells was not available during the scheduled courthouse hours. The classification of an as-needed employee is that they are helping out in an office occasionally and are not scheduled or guaranteed weekly hours. The Board suggested to Wells that Landauer be available to assist the veterans when Wells is not available in the office. Motion made by Rutten, second by Rasmussen to approve a one time, meeting time paid of sixteen hours, for a non-full time employee for accreditation to access the VETRASPEC programs to assist veterans. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Boone County Ambulance Service submitted three uncollectible ambulance accounts for the Board to review as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to remove the following Ambulance services from the EMS Billing Services account: \$2,280.00 – July 4, 2018; \$2,230.00 – July 13, 2018; and \$2,306.50 – October 1, 2018 for purposes of bookkeeping and turn the accounts over to the County Attorney to attempt further collection. Motion made by Rasmussen, second by Rutten to turn the July 4, 2018, July 13, 2018 and October 1, 2018 County Ambulance Service accounts balance of \$6,816.50 over to the County Attorney for further collection. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Denny Johnson, Boone County Sheriff, presented a quote for the Board to review for the purchase of four exterior guardian uniform shirt carriers with molle gear for the County certified law enforcement personnel. The exterior guardian uniform shirt is a vest style where the law enforcement equipment such as radio, handcuffs, etc. that they carry is on the vest instead of all on their belt. Johnson said that reports indicate the vest provides less stress to the individuals back verses the equipment all on a belt at the waistline. Motion made by Rasmussen, second by Temme to authorize the Boone County Sheriff to purchase four exterior guardian uniform shirt carriers with molle gear for approximately \$1,110.00 from Galls LLC of Lexington, Kentucky as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.





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Denny Johnson, Boone County Sheriff, and the Board discussed the purchase of a Digital Ally In-Car system for the new law enforcement vehicle, a 2019 Chevrolet pickup that was ordered in January 2019. Johnson did not have a quote for the Board to review for the Digital Ally In-Car system. Johnson informed the Board that the new law enforcement vehicle has not arrived to date and that the Digital Ally In-Car system purchased in 2018 was approximately \$4,200.00. Motion made by Temme, second by Rutten to authorize the Boone County Sheriff to purchase a Digital Ally In-Car system for the new law enforcement vehicle, 2019 Chevrolet pickup, from Digital Ally of Lenexa, Kansas. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Dave Boschult, Nebraska Department of Agriculture Noxious Weed Program Specialist, updated the Board in regard to the weed program and overview of the 2018 Boone County noxious weed activity. Boschult informed the Board that his territory covers twenty-six counties. Boschult explained to the Board the required certifications a County Weed Superintendent needs to acquire and the twenty hours of continuing education each calendar year. The twenty hours of continuing education certification stays with the County not the individual. The County Weed Superintendent has an opportunity four times in a calendar year to become re-certified. Boschult informed the Board that he felt Jack Nordeen, Boone County Weed Superintendent, is doing a good job. Boschult, Nordeen and the Board discussed the types of noxious weeds and that in 2018 the Absinth Wormwood and Yellow Flag Iris were added to the Nebraska's Invasive Plant Watch list. Motion made by Rutten, second by Rasmussen to accept and approve the 2018 written report and requirements for Boone County Weed Superintendent from the Nebraska Department of Agriculture, Bureau of Plant Industry as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The County Board of Commissioners has the power to sell real estate owned by the county. The County of Boone, Nebraska advertised the week of April 15, 2019 to accept sealed bids for the residentially-zoned vacant lots described as Lots 27, 28, 29, 30, 31 and 32, all in Block 5, West Petersburg, Petersburg, Boone County, Nebraska. The Board received a sealed bid for said lots. The Board opened and reviewed the sealed bid at 10:30 A.M. on April 29, 2019. The Boone County Assessor provided the Board an assessed value for the six lots that are 25' x 140' each (total 150' x 140') of \$12,980.00. The sealed bid from the Petersburg Industrial Development Corporation is for \$15,366.00. Motion made by Rutten, second by Rasmussen to accept and approve the sealed bid of \$15,366.00 from the Petersburg Industrial Development Corporation, Petersburg, Nebraska. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Abstain: Temme. Motion carried.

Tanya Sharp, President/CEO Boone County Health Center, and the Board discussed the Boone County Health Center Board of Trustee positions. There are five representatives from each of the City/Village areas of the County that are the Boone County Health Center Board of Trustees. The board members may serve two consecutive six-year terms and meet monthly. Ken Schmitz, Petersburg area, and Don Casper, Albion area, have completed their first term. The Boone County Health Center Board recommendation to the Board of Commissioners is to retroactively re-appoint Kenneth Schmitz to serve his second six-year term that started July 1, 2018 and the re-appointment of Don Casper to serve his second six-year term beginning July 1, 2019. Motion made by Temme, second by Rasmussen to retroactively re-appoint Kenneth Schmitz to serve his second six-year term that started July 1, 2018 and re-appoint Don Casper to serve his second six-year term beginning July 1, 2019. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.



# Boone County Board Minutes



In addition, Jody Stodola-Choat, St Edward area, has completed her second six-year term as a Boone County Health Center Board of Trustee. The Board acknowledged the twelve years of service of Jody Stodola-Choat as a member of the Boone County Health Center Board of Trustees. The Board did not receive any applications/resumes for said advertised vacant trustee position. The Board and Sharp decided to re-advertise the trustee position one more week in the Albion News and St. Edward Advance. Motion made by Temme, second by Rasmussen to advertise the trustee position in the St. Edward area the week of April 29, 2019, for a deadline of May 10, 2019 with applications/resumes reviewed by the Board on May 13, 2019. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: Agricultural and Educational Activities Building Committee with electrical engineer – May 1, 2019; County Budget Workshop – June 27, 2019; County Board of Equalization – June 5, 2019; and Board of Commissioners Workshop – June 6 & 7, 2019.
- Ken Luettel, expressed concerns that other truckers are hauling aggregate, etc. to stock pile for the County following the adverse weather conditions, but the signed contracted back-haulers are not being asked to pick up road material as they are delivering beans or were not contacted to see if they would be able to help haul aggregate following the bomb cyclone adverse weather. In addition, Luettel informed the Board that the stockpile of fine ground crushed granite was purchased to mix with oil for armor coating, not intended to be used for gravel roads. The Board plans to discuss the situation with the County Highway Superintendent to open up to the back-haulers to stock pile aggregate.
- Ted Thieman, expressed concerns of the crushed concrete, etc. with jagged edges and some large pieces that were left in areas on roads west and north of Petersburg last Friday and over the weekend. Thieman said it appears to be very dangerous having said material left on the packed portion of the road. He said it appears that the intent was for the concrete material to fill soft spot areas and be packed in with dirt material, but it appears the project was not completed on Friday and that left it dangerous for the weekend with no warning signage. The County Highway Superintendent plans to check out said situation.
- The Board acknowledged the condition of several county road areas that they have received from concerned area citizens. Board members plan to visit said concerned areas, in their respective area, following today's meeting.
- The County Highway Superintendent updated the Board on the road/bridge conditions. The stockpile of crushed concrete is intended to be used as fill material for washed out areas.

Chairman Rasmussen declared the meeting adjourned at 11:53 A.M., with the next Board meeting scheduled for Monday, May 13, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MAY 13, 2019                      ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 13, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Larry Temme, Alan Rasmussen and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 9:01 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten, Alan Rasmussen and Larry Temme; Denny Johnson, Sheriff; Rod Nelson, Courthouse Maintenance; Kathy Thorberg, County Clerk; Jacqueline L. Wells, Veteran's Service Officer; and Stacey Ziemba, County Highway Superintendent. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) funds should be budgeted for a new generator due to the grant funding is no longer available; (2) testing of equipment to include the All Call paging system and the March tornado drill were completed successfully; (3) discussed signage or a parking spot to be made available for the disabled at the County Road Shop. Consensus that a sign stating that the building is not accessible if disabled would be more appropriate; (4) the entrance to the County Road District #2 shop building located in Albion has become a safety hazard. Water tends to sit in the low area in front of the walk-in door. Plan to repair the area this fall. New business that was addressed/reviewed: (1) Nelson said that the courthouse fire suppression system inspection will be conducted at the same time as the annual inspection by Meininger Fire Protection, Inc.; (2) Nelson requested that the safety minutes be emailed to the department heads and posted in the respective building sites; (3) a courthouse fire drill is scheduled for May 31, 2019 at 8:15 A.M.; and (6) Boone County was accident free last quarter. The next Safety Committee meeting is tentatively scheduled for 9:00 A.M. on Monday, August 12, 2019. The Safety Committee meeting was adjourned by Ben Rutten at 9:17 A.M.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 1779 in the amount of \$53.88 submitted for reimbursement for meeting meals. The Board approved the meal reimbursement of \$44.53 and rejected the non-food item of \$9.35. The Board discussed a meeting mileage reimbursement request submitted by Vendor ID No. 1785. In accordance with the County Employee Handbook a copy of the meeting agenda and either the odometer readings or google map are to be attached to the mileage reimbursement claim. The Board discussed the non-attached documents with the respective department head. Motion made by Rutten, second by Rasmussen to partially reject Vendor ID No. 1779, the \$9.35 non-meal item and that the required documents be attached to the mileage claim for Vendor ID No. 1785 in accordance with the County Employee Handbook. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the changes as stated above: General - \$48,560.49; Road/Weed - \$370,465.59; Boone County Visitor's Promotion - \$800.00; 911 Emergency Management (2910) - \$510.17; 911 Wireless Service (2913) - \$652.53; 911 Wireless Holding (2914) - \$5,225.00; Fair Building (4025) - \$153,947.02; and Ambulance - \$8,633.17. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Temme, second by Rutten to approve the County Board Proceedings of April 29, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board of Equalization Proceedings of April 29, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the following reports of the County Officials as presented for April, 2019:

- Clerk - \$10,975.25 (State of Nebraska - \$6,242.43/County of Boone - \$4,732.82)
- Clerk of the District Court - \$1,559.00 (State of Nebraska - \$830.00/County of Boone - \$729.00)
- Sheriff - \$6,725.70
- Planning and Zoning for the months of February, March and April 2019 - \$901.50
- Treasurer – Misc. Receipt Nos. 17014-17077 - \$1,584,945.69; Total Collections - \$8,644,976.89.

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

The Board received Payment Application Nos. 5 & 6 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete and electrical system work. Motion made by Temme, second by Rutten to approve payment number five for \$132,737.97 and six for \$21,209.05 from Rathman Manning Construction for a total of \$153,947.02 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request to review for advertisement funding. The Petersburg Community Club requested assistance to advertise the Petersburg Carnival Days event scheduled for June 25-26, 2019. Motion made by Temme, second by Rasmussen to approve the application requesting funding assistance for advertisement from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Tanya Sharp, President/CEO Boone County Health Center, and the Board discussed the Boone County Health Center Board of Trustee position that will be vacant as of June 30, 2019. Sharp acknowledged that Jody Stodola-Choat of St. Edward, has completed her second six-year term as a Boone County Health Center Board of Trustee and will be stepping down in June. The Board acknowledged the twelve years of service of Jody Stodola-Choat as a member of the Boone County Health Center Board of Trustees. There are five representatives from each of the City/Village areas of the County that are the Boone County Health Center Board of Trustees. The Boone County Health Center Board of Trustees meet monthly and a board member may serve two consecutive six-year terms. Sharp and Don Casper, Board of Director member, submitted the name of Tony Kurtenbach of St. Edward to be considered as a Board of Director member to fill the vacancy. Motion made by Temme, second by Rasmussen to appoint Tony Kurtenbach of St. Edward to serve his first six-year term on the Boone County Health Center Board of Trustees beginning July 1, 2019. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.





# Boone County Board Minutes



The Board reviewed the information provided by NACO BCBS regarding the employee health/dental insurance. The NACO BCBS overall rates for the group health insurance will increase approximately 1% for fiscal year 2019-2020 and there is no change to the dental plans. The sub-group application/coverage election form needs to be received at BCBS Nebraska no later than May 31, 2019. The County Clerk's office plans to distribute a copy of the premium rate changes with the employees' May payroll. The County of Boone pays all of the health insurance premiums and employee only dental premium. An employee has the option to pay dental coverage for their spouse/children. The NACO BCBS policy premium also includes Cobra administration by NACO, Long-Term Disability and a \$15,000.00 Life Insurance on the policyholder. Motion made by Temme, second by Rutten to approve the NACO BCBS Medical PPO Health Plan with \$1,500.00 individual deductible and Dental PPO Plan (Premier Option 3) for the period of July 1, 2019 through June 30, 2020 and authorize Alan Rasmussen, Board Chairman, to sign the 2019 NACO Subgroup Application Coverage Election Form. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., Boone County Highway Superintendent and the Board discussed JEO Project Agreement Number 190871, 120<sup>th</sup> Avenue culvert replacement. McDonald informed the Board that the box culvert is under mined and the floor has failed. Replacing the floor of the box proved too difficult and costly. The intent of this project is to replace the existing box culvert with a series of culvert pipe. Motion made by Rasmussen, second by Temme to table the project agreement for review and receive a proposal at a future Board meeting. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., Boone County Highway Superintendent and the Board discussed the Primrose South Bridge, C000600715 and Primrose Southeast Bridge C000621105: The Bridge C000600715 consists of a 7-span, 20' wide, and 263' steel girder bridge. During the March flood, the north approach was overtopped, damaging the road bed and surfacing. The west road slope is also the east channel bank that was eroded during the flooding resulting in a significant loss of material. McDonald informed the Board a decision will need to be made to replace the bridge or remove the structure completely. McDonald recommended that FEMA be approached about doing an alternate project with the damaged funds if the decision is to not replace the bridge.

The Bridge C000621105 consists of a 3-span, 26' wide, and 81' steel girder bridge. During the March flood, the south channel bank was eroded and shifted further south resulting in loss of the south approach and failure of both abutment wings. The channel has moved south a significant distance upstream of the bridge and repair would not withstand future flooding. McDonald recommended an additional span be built to the south with an entire new abutment and that the south channel west of the bridge be protected with rip-rap.

McDonald recommended that the Natural Resources Conservation Services (NRCS) be contacted immediately about the possibility of using their Emergency Watershed Protection (EWP) funds to help provide bank protection on both sides. If FEMA will not help provide additional rip-rap protection, the NRCS may be an avenue of funding. Stacey Ziembra, County Highway Superintendent, prepared a letter to the State Conservationist, Natural Resources Conservation Services in Lincoln, Nebraska, for the Board to sign requesting funding assistance. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Chairman to sign a letter to the Natural Resources Conservation Services in Lincoln, Nebraska requesting assistance through the Emergency Watershed Protection Program. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



McDonald presented written information regarding JEO Project Number 171719, asphalt road west of Petersburg on 145<sup>th</sup> Street for the Board to review. McDonald informed the Board that the deep frost took its toll on paved roads throughout the state resulting in severe pavement breakups. The information for the Board to review included a proposal to grind the entire four miles and reconstruct as a gravel road and a proposal to patch/repair the 1.5 miles of asphalt and grind the west 2.5 miles to return to gravel road. McDonald informed the Board that contractors for improvement projects are not readily available or providing bidding of projects at this time with all of the infrastructure damage across the state. Motion made by Temme, second by Rutten to authorize Brian McDonald, JEO Consulting Group, Inc., to prepare plans/specifications for the road resurfacing Project No. C-6(394), 145<sup>th</sup> Street Petersburg West. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., submitted the Contractor's Application for Payment No. 1 for A & R Construction Co. of Plainview, Nebraska for Bridge Project C-6(391), Albion East. The contracted project was approved in October 2018 for the removal of the existing bridge and construction of a concrete box culvert on 260<sup>th</sup> Street east of 330<sup>th</sup> Avenue. Motion made by Rasmussen, second by Temme to approve payment number one from A & R Construction Co. for \$105,907.04 for Bridge Project C-6(391), Albion East as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Jon W. Lindgren requested permission to trench an electrical line under a county road commonly known as 230<sup>th</sup> Avenue running north and south between Sections 19 and 20, all in Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical line commences from an electrical pole located on the West side of 230<sup>th</sup> Avenue in Section 19; running thence East to a new irrigation well to be located in the SW/4 of Section 20, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2019-08, granting permission to Jon W. Lindgren to trench an electrical line under a county road known as 230<sup>th</sup> Avenue to the SW1/4 of Section 20, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for irrigation purposes. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed with no action taken by the Board:

- Monitoring a concrete box culvert on 170<sup>th</sup> Street and 290<sup>th</sup> Avenue.
- Putting in a tube and cleaning out a ditch on 140<sup>th</sup> Avenue, one mile south off of St. Highway 91.
- Putting in tubes and cleaning out a ditch for better drainage, 220<sup>th</sup> Street off 160<sup>th</sup> Avenue.
- The extra motor grader is starting to have transmission issues. The Highway Superintendent will be advertising for bids for a new motor grader.
- Highway Superintendent informed the Board that two applications were received for the advertised temporary seasonal employment position. The advertised temporary employment position is for up to twenty-four hours per week, no benefits and ends August 21, 2019. The Highway Superintendent asked the Board if the one applicant could be hired full-time now. The consensus of the Board is to hire temporary seasonal employment as advertised and will re-advertise for full-time employment this fall if needed.

Ed Knott, Applied Connective Technologies, LLC (Applied), the Board and Denny Johnson, County Sheriff, discussed the Communication's Towers located on County fairgrounds and cropland areas on April 24, 2019.



# Boone County Board Minutes



Following the April 24, 2019 Board meeting, Knott and Johnson visited with Michael Epley, Platte Valley Communications, regarding the frequencies, etc. involved in Applied installing their equipment and the leasing of space on the County Communications Tower. Knott asked the Board if they would consider leasing space on the County Communications Tower located on the fairgrounds for Applied to install their equipment that services wireless internet to rural communities. Applied will pay to have the fiber optic moved to the County Communications Tower located on the County Fairgrounds. Applied will remove their tower and building from the County cropland area later in the fall after all equipment has been moved to the County Communications Tower and all is working. The Board acknowledged that the County has current agreements with the privately owned entity, Applied Connective Technologies, LLC, for the courthouse and law enforcement buildings telephone system, internet/email and fire wall services. Motion made by Rutten, second by Temme to approve a Lease Agreement by and between the County of Boone, Nebraska and Applied Connective Technologies, LLC for an initial term of five years with an automatic yearly renewal and a yearly space rental sum of one thousand dollars on the County Communications Tower as presented. Roll call: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Boone County Board of Commissioners accepted and approved the sealed bid of \$15,366.00 from the Petersburg Industrial Development Corporation, Petersburg, Nebraska for the residentially-zoned vacant lots described as Lots 27, 28, 29, 30, 31 and 32, all in Block 5, West Petersburg, Petersburg, Boone County, Nebraska on April 29, 2019. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign a Warranty Deed transferring said Lots 27, 28, 29, 30, 31 and 32, all in Block 5, West Petersburg, Petersburg, Boone County, Nebraska, with no title insurance being furnished, to the Petersburg Industrial Development Corporation as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Chuck Rolf, Boone County Agricultural Society, Inc. representative, submitted four applications to the Board for permission for Special Designated License(s) (SDL) to serve alcohol at the Boone County Fair for July 6, 7, 8 and 9, 2019. The four applications event times are from 4:00 p.m. to 1:00 a.m. on each respective day. Rolf informed the Board that the July 6, 2019 SDL request is for the grandstand area and includes an additional fenced off area in front and back of grandstand during the concert. He also indicated that individual security people had been hired in addition to law enforcement coverage provided by the Boone County Sheriff's Department and that IDs will be checked and arm bands issued at the point of purchase. The request(s) for July 7, 8 and 9, 2019 are for the grandstand area and includes an additional fenced off area in front and back of the grandstand. Rolf informed the Board that the Boone County Ag Society, Inc. dba Boone County Raceway Liquor License will be used for the July 10, 2019 fair date. The security coverage for events is completed on the SDL forms that are submitted by the requestor to the Nebraska Liquor Control Commission. Motion made by Rasmussen, second by Rutten to approve and authorize the Board Chairman to sign, as presented, the Application for a Special Designated Liquor License(s) request from the Boone County Agricultural Society, Inc. for the 2019 Boone County Fair dates of July 6, 7, 8 and 9, 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board; Chuck Rolf, Agricultural Society Board member; Steve Pritchard, UNL Extension Educator; Kurt Kruse, Bill Robinson and Kevin Rasmussen, new building supporters committed to receive pledges and/or donations for bond payments; and Pat Neidhardt, held a lengthy discussion regarding the new fairgrounds building project, pledged funding, and furnishings for the building. The following topics were discussed with no action taken by the Board:

- Name of the building: Boone County Agricultural and Educational Activities Building.
- Naming rights within the Boone County Agricultural and Educational Activities Building and which entity will be making the decision of the naming rights among the several donors.



# Boone County Board Minutes



- Interlocal Agreement to replace the 1978 Lease Agreement between the County and Agricultural Society for which entity will handle payments, operations, utilities, maintenance, insurance, receive the income from rent, etc. until the ten year bonds are paid, and etc.
- Boone County Agricultural Education Center, Inc. has not received the 501(c)(3) non-profit approval to date.
- Rolf said that the Agricultural Society would like to hire a manager for the fairgrounds facilities, starting as part time and working into a full time position beginning this summer. Paying a fairgrounds manager would result in a levied tax increase of the Boone County Agricultural Society, Inc. annual budget.
- Rolf said that the Agricultural Society has discussed a recruiter for events at the fairgrounds and would be paid by commission.
- Grants/matching grants was discussed as to being a separate account for the furnishings for inside the new building, of which were not included in the 3.3 million building project and which entity will/can be responsible for the grant funds.
- The Board acknowledged that they have not seen or received any of the signed pledged agreements that were to be prepared for payment of the two million plus interest ten year bonds for the new building from the project supporters.
- Pritchard asked about budgeting for furnishings for the extension office. The Board plans to review what is moveable from the courthouse office to the fairgrounds, find out what UNL should be responsible for and if any of the Big Give donations were designated to the extension office.
- The County owns the fairgrounds; leases fairgrounds to the Agricultural Society; committed 1.3 million of County Inheritance Tax Fund towards the project; the two million dollar bonds plus interest were committed by the supporters with pledges/donations that did not want a bond issue to be voted on by the public; and donations/grants were to be received for the furnishings to be inside the new building without the use of tax dollars.

## Public Comments:

- Meetings: Region 44 Emergency Services Supervisory Committee – May 13, 2019; Northeast Nebraska Area Agency on Aging – May 16, 2019, County Board of Equalization workshop – June 5, 2019; County Board workshop – June 6-7, 2019.
- Commissioner Rutten updated the Board regarding the Boone County Trails System (Friends of the Trail) meeting.
- Commissioner Rutten updated the Board regarding a meeting with the new fairgrounds building contractor, electrical inspector and building committee members.
- Commissioner Rasmussen updated the Board regarding an Agricultural and Educational Activities Building Committee meeting.
- The Board received notice from the Albion City Council that items stored in the old fire hall property at 216 S. 5<sup>th</sup> Street need to relocate their respective items before the Building sale closing date of June 28, 2019.

Chairman Rasmussen declared the meeting adjourned at 1:28 P.M., with the next Board meeting scheduled for Monday, May 20, 2019.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 20, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 20, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Ben Rutten and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of May 13, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County of Boone used the Indirect Cost Allocation Services of Sequoia Consulting Group beginning in 2011. Wesley Ehlers, Sequoia Consulting Group, submitted an Agreement for consulting services based upon year-end financial data for fiscal year 2018. The consulting group plan and indirect cost rates as computed would be all inclusive for claiming indirect costs for all County grants including Title IV-D Claiming. Sequoia's agreement of recovered funds will be shared 60% by the County and 40% by the Consultant not to exceed \$3,650.00 annually to the consultant. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Chairman to sign a one year Agreement with Sequoia Consulting Group to provide professional consulting services to Boone County, Nebraska for the fiscal year-end 2018 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Albion Area Arts Council requested assistance to advertise the Map of My Kingdom theater event scheduled for June 9, 2019. Motion made by Rasmussen, second by Temme to approve the application requesting funding assistance for advertisement of the theater event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Larry Temme, Rae Valley Market LLC, presented three applications for Special Designated License(s) (SDL) for July 13, 2019, July 26, 2019 and September 21, 2019. The Board reviewed the three applications for Special Designated License(s) (SDL) for wedding receptions scheduled for Saturday, July 13, 2019, Friday, July 26, 2019 and Saturday, September 21, 2019 all to be held on their respective date at the St. Bonaventure Church Hall in Raeville, Nebraska. Motion made by Rasmussen, second by Rutten to approve, as presented, the three Applications for Special Designated Liquor License requests from Rae Valley Market LLC for wedding receptions to be held at the St. Bonaventure Church Hall, Raeville, Nebraska on July 13, 2019, July 26, 2019 and September 21, 2019 as presented. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Abstain: Temme. Motion carried.



# Boone County Board Minutes



Great Plains Communications, LLC requested permission to plow fiber optic cable on the south side of the county road commonly known as Central Highway running east and west between Section 36, Township 19 North, Range 5 West and Section 1, Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The plowed fiber optic cable commences at the corner of State Highway 39 and Central Highway in Section 1, Township 18 North, Range 5 West, plowing thence east on the south side of the County Road known as Central Highway to the Platte County line. Motion made by Temme, second by Rutten to approve Resolution No. 2019-09, granting permission to Great Plains Communications, LLC to plow fiber optic cable east on the south side of the County Road known as Central Highway to the Platte County line in Section 1, Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the west side of the county road commonly known as 340<sup>th</sup> Avenue running north and south between Sections 24 and 25, Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska and Sections 19 and 30, Township 19 North, Range 4 West of the 6<sup>th</sup> P.M., Platte County, Nebraska. The plowed fiber optic cable commences at the corner of 330<sup>th</sup> Street and 340<sup>th</sup> Avenue in Section 25, Township 19, North, Range 5 West, plowing thence north on the west side of the County Road known as 340<sup>th</sup> Avenue to the corner of 310<sup>th</sup> Street and 340<sup>th</sup> Avenue. Motion made by Temme, second by Rutten to approve Resolution No. 2019-10, granting permission to Great Plains Communications, LLC to plow fiber optic cable north on the west side of the County Road known as 340<sup>th</sup> Avenue in Sections 24 and 25, Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the north side of the county road commonly known as 330<sup>th</sup> Street running east and west between Sections 25 and 36, all in Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The plowed fiber optic cable commences at the corner of 330<sup>th</sup> Avenue and 330<sup>th</sup> Street in Section 25, Township 19 North, Range 5 West, plowing thence east on the north side of the County Road known as 330<sup>th</sup> Street to the corner of 330<sup>th</sup> Street and 340<sup>th</sup> Avenue. Motion made by Temme, second by Rutten to approve Resolution No. 2019-11, granting permission to Great Plains Communications, LLC to plow fiber optic cable east on the north side of the County Road known as 330<sup>th</sup> Street in Sections 25 and 36, all in Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the east side of the county road commonly known as 310<sup>th</sup> Avenue running north and south between Sections 3, 4, 9 and 10, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The plowed fiber optic cable commences at the corner of State Highway 56 and 310<sup>th</sup> Avenue in Section 3, Township 18 North, Range 5 West, plowing thence south on the east side of the County Road known as 310<sup>th</sup> Avenue; thence boring under 350<sup>th</sup> Street; thence continuing plowing south for 1300' on east side of 310<sup>th</sup> Avenue to a residential dwelling. Motion made by Temme, second by Rutten to approve Resolution No. 2019-12, granting permission to Great Plains Communications, LLC to plow fiber optic cable south on the east side of the County Road known as 310<sup>th</sup> Avenue in Sections 3 and 10, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



Great Plains Communications, LLC requested permission to plow fiber optic cable on the north side of the county road commonly known as 350<sup>th</sup> Street running east and west between Sections 4, 5, 8 and 9, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The plowed fiber optic cable commences at the corner of 310<sup>th</sup> Avenue and 350<sup>th</sup> Street in Section 3, Township 18 North, Range 5 West, thence boring under 310<sup>th</sup> Avenue to Section 4; thence plowing west on the north side of the County Road known as 350<sup>th</sup> Street; thence boring under 300<sup>th</sup> Avenue; thence plowing west on the north side of the County Road known as 350<sup>th</sup> Street; thence boring under 290<sup>th</sup> Avenue to two residential dwellings. Motion made by Temme, second by Rutten to approve Resolution No. 2019-13, granting permission to Great Plains Communications, LLC to plow fiber optic cable west on the north side of the County Road known as 350<sup>th</sup> Street in Sections 4 and 5, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the east side of the county road commonly known as 300<sup>th</sup> Avenue running north and south between Sections 8, 9, 16, 17, 20 and 21, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The plowed fiber optic cable commences at the corner of 350<sup>th</sup> Street and 300<sup>th</sup> Avenue in Section 9, Township 18 North, Range 5 West, plowing thence south on the east side of the County Road known as 300<sup>th</sup> Avenue; thence boring under 360<sup>th</sup> Street; continue plowing south and bore under 370<sup>th</sup> Street; continue plowing south on the east side of 300<sup>th</sup> Avenue through Section 21 to 380<sup>th</sup> Street. Motion made by Temme, second by Rutten to approve Resolution No. 2019-14, granting permission to Great Plains Communications, LLC to plow fiber optic cable south on the east side of the County Road known as 300<sup>th</sup> Avenue in Sections 9, 16 and 21, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the north side of the county road commonly known as 380<sup>th</sup> Street running east and west between Sections 19 and 20, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska and Sections 29 and 30, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Nance County, Nebraska. The plowed fiber optic cable commences at the corner of 300<sup>th</sup> Avenue and 380<sup>th</sup> Street in Section 21, Township 18 North, Range 5 West, thence boring under 300<sup>th</sup> Avenue to Section 20; thence plowing west on the north side of the County Road known as 380<sup>th</sup> Street; thence boring under 290<sup>th</sup> Avenue; thence continue plowing west on the north side of 380<sup>th</sup> Street through Section 19, Township 18 North, Range 5 West. Motion made by Temme, second by Rutten to approve Resolution No. 2019-15, granting permission to Great Plains Communications, LLC to plow fiber optic cable west on the north side of the County Road known as 380<sup>th</sup> Street in Sections 19 and 20, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. A Seasonal Road Employee started on May 15, 2019.

The Boone County Highway Superintendent updated the Board in regard to the following road and or bridge/culvert project areas: concrete box culvert on 170<sup>th</sup> Street and 290<sup>th</sup> Avenue; clean out ditch/new tube installation on 140<sup>th</sup> Avenue, one mile south off of State Highway 91; clean ditch/new tubes installation on 220<sup>th</sup> Street off 160<sup>th</sup> Avenue; working on the intersection of 310<sup>th</sup> Street south of Knob Bridge going west; and 100<sup>th</sup> Avenue on Boone/Greeley County line.





# Boone County Board Minutes



Brian McDonald, JEO Consulting Group, Inc., Boone County Highway Superintendent and the Board discussed JEO Project Agreement Number 190871, 120<sup>th</sup> Avenue culvert replacement on May 13, 2019. The box culvert is under mined and the floor has failed. Replacing the floor of the box proved too difficult and costly. The intent of this project is to replace the existing box culvert with a series of culvert pipe. The JEO Consulting fixed fee services for design and bidding is \$12,000.00 and the hourly services estimated for permitting services and during construction is \$8,500.00. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the JEO Project Agreement Number 190871 for approximately \$20,500.00 for engineering fees, etc. for the 120<sup>th</sup> Avenue culvert replacement project. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Chuck Rolf, Boone County Agricultural Society, Inc. Board member; Kurt Kruse, Boone County Agricultural Education Center, Inc. authorized representative; Pat Neidhardt; Steve Brenneis; and Mark Brenneis, held a discussion regarding naming rights within the new fairground building known as Boone County Agricultural and Educational Activities Building. Kruse informed the group that Form 1023, Application for Recognition of Exemption under Section 501(c)(3) of the Internal Revenue Code has been filed, but has not been approved to date for the Boone County Agricultural Education Center, Inc. as a non-profit entity. Kruse said once the non-profit request is approved the Boone County Agricultural Education Center, Inc. would be an umbrella under the Boone County Foundation which is an umbrella under the Nebraska Community Foundation. In the past years of discussion the building supporters referred to the new fairgrounds building as Boone County Agricultural and Educational Activities Building or in accordance with the limited tax building bonds referred to as the Agricultural and Educational Activities Building. The Board and Kruse said that the name on the outside of the new fairgrounds building would be known as the Boone County Agricultural and Educational Center. Kruse said that today's discussion is the naming rights of the areas and fixtures within the new building. Kruse informed the Board that when the matching grant was proposed they were told there would be naming rights within the building. The Board would have liked to have known the exact name of the arena before voting on the naming rights. The Board expressed that the naming rights of the arena be a short name. Kruse said that an honor plaque recognizing donors will be displayed in the structure. The Board asked to see the signed pledge agreements for payment of the bonds for the building project. Kruse said that he has the pledges and would make them available for the Board to review. Motion made by Rasmussen, second by Temme to authorize the Boone County Agricultural Education Center, Inc. members to determine the naming rights of the arena within the Boone County Agricultural and Educational Center. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Jack Nordeen, County Weed Superintendent, and the Board discussed the condition of the weed spraying equipment on May 24, 2019. The present spraying equipment was purchased in 2009. Nordeen presented quotes for the Board to review for new spraying equipment and a flatbed for the 1999 pickup. The following quotes received for spraying equipment: Ag Spray Equipment of Columbus - \$5,830.00 and Superior Industries, LLC of Superior - \$7,272.00. The following quotes received for a flatbed: Ken's Trailer of Norfolk - \$2,400.00 (flatbed-\$1900.00; install \$500.00) and Nebraska Trailer Sales of Osmond - \$2,495.00 for flatbed and installation. The Board and Nordeen discussed the small difference in the quotes and acknowledged that the quotes from the areas closer to Boone County would be beneficial if parts or repairs are need. Motion made by Rutten, second by Rasmussen to authorize the County Weed Superintendent to purchase the new spraying equipment from Ag Spray Equipment of Columbus for approximately \$5,830.00 and the flatbed with installation from Ken's Trailer of Norfolk for approximately \$2,400.00 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



The Board held a meeting with the Elected Officials/Department Heads:

- Chairman Rasmussen asked all present to join in the Pledge of Allegiance.
- County officials/department heads reported on activities with regard to their respective office.
- Courthouse Fire Drill is scheduled for 8:15 A.M. on Friday, May 31, 2019.
- The County received a notice from the City of Albion respectfully requesting the removal of said stored items in the old Albion fire hall be removed before June 28, 2019. The Board plans to review what the County has stored in said building.
- The group discussed disposal of surplus property. Surplus smaller items valued under \$100.00 to be at the discretion of the department head to either donate to another government entity, set a price and tagged for sale in the courthouse hallway or advertise for sale as discussed on March 11, 2019. The larger valued items for disposal are to be advertised in order for the Board to receive sealed bids. Motion made by Rasmussen, second by Rutten to advertise the County Road Department's 1972 Fruehauf Tank Trailer (oil tank) as is for disposal by sealed bids. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.
- The group was reminded of the documents to be submitted by employees for reimbursement of mileage and hours for meeting/travel time.

Denny Johnson, Sheriff, presented plumbing quotes for the Board to review in regard to the kitchen area within the County Law Enforcement building. The quotes received: Sharp Plumbing and Repair of Albion - \$1,589.19 and K & T Central Plains Plumbing of Petersburg - \$1,885.00. The quotes are for a new sink, water/drain line and the installation to the kitchen area within the County Law Enforcement building. Motion made by Rutten, second by Rasmussen to approve the quote of Sharp Plumbing and Repair for approximately \$1,589.19 for a new sink, water/drain line and the installation to the kitchen area within the County Law Enforcement building. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – May 20, 2019; East-Central District Health Department – May 23, 2019; Boone County Health Center Board – May 28, 2019.
- Denise Ziemba, Region 44 Emergency Manager, updated the Board regarding the 2019-2020 budget request salary, etc. increase she has proposed to the three counties, FEMA, activity since the March flooding and resources for long term recovery.
- Commissioner Rasmussen updated the Board regarding the Region IV, Inc./NorthStar Services meeting.
- Commissioner Temme updated the Board regarding the Northeast Nebraska Area Agency on Aging meeting.
- Commissioner Rutten updated the Board regarding the Region 44 Emergency Services Supervisory Committee and Northeast Nebraska Juvenile Services, Inc. meetings.
- The Board reviewed a letter they received regarding the mowing/weed control around the County Road Shop located in St. Edward.

Chairman Rasmussen declared the meeting adjourned at 12:30 P.M., with the next Board meeting scheduled for Tuesday, May 28, 2019.



# Boone County Board Minutes



Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 28, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Tuesday, May 28, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order at 9:15 A.M. and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen arrived at 9:20 A.M. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Vice Chairman Temme acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Cedar Rapids Community Club requested assistance to advertise the Cedar Rapids Community Picnic event scheduled for June 29, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the community picnic event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Roy Pribnow requested permission to trench an electrical line under a county road commonly known as 160<sup>th</sup> Avenue running north and south between Section 25, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., and Section 30, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., all in Boone County, Nebraska. The electrical line commences from an electrical pole located in the NW1/4 of Section 30, Township 20 North, Range 7 West; running thence West to an electric well for irrigation purposes located in the NE/4 of Section 25, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2019-16, granting permission to Roy Pribnow to trench an electrical line under a county road known as 160<sup>th</sup> Avenue to the NE1/4 of Section 25, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for irrigation purposes. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Commissioner Alan Rasmussen arrived at 9:20 A.M.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of May 20, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed the County Payroll Claims filed for the pay period of April 22, 2019 through May 21, 2019 and acknowledged several claims with overtime hours. Motion made by Rasmussen, second by Rutten to approve the County Payroll Claims filed for payment from the various funds: General \$100,149.20, BCBS \$51,604.02, Ameritas Ret \$6,880.31, EFTPS \$7,477.11, Section 125 Fees \$10.00, Wellness Program \$91.38; Road \$63,422.23, BCBS \$31,541.18, Ameritas Ret \$4,273.43, EFTPS \$4,790.51; Ambulance \$3,522.02, Ameritas Ret \$118.79, EFTPS \$269.42; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



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

- Discussed the hazard of rain water runoff onto State Highway 14 from a gravel road known as 200<sup>th</sup> Street at the north edge of Loretto. The consensus of the Board is to find a solution to route the drainage water to the ditch on the east side of State Highway 14.
- Consensus of the Board to have the County Highway Superintendent begin the procedure to receive quotes for a truck-tractor for County Road District #1. The 1991 Mack truck-tractor received damage during the March flooding.
- Country Partners Coop submitted propane contract/delivery option documents to review. Motion made the Rutten, second by Temme to continue purchasing propane for the County Road District #1, Cedar Rapids shop building on an as needed basis from Country Partners Coop. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Stacey Robinson, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to back-haul aggregate for the County. The contracts are for the year 2019 with the contractor compensation being \$7.00 per ton for road gravel 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 PPK Two Transportation, LLC. Motion made by Temme, second by Rutten to authorize the Board Chairman to sign the Non-Exclusive Contract for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

No action was taken by the Board to redeck a bridge on 220<sup>th</sup> Avenue, due to no quotes were received to date for the material/labor from contractor(s).

The Board approved an engineer study in August 2017 to be completed to determine costs and options for repairs for approximately four miles of the asphalt portion of 145<sup>th</sup> Street west of Petersburg from 210<sup>th</sup> Avenue to 170<sup>th</sup> Avenue, a main route for areas west and northwest of Petersburg and for use by the Volunteer Fire Department/Rescue Squad. The Board received information regarding the Thiele Geotech, Inc. study of Project C-6 (394), Petersburg west on April 16, 2018. On February 26, 2019 Brian McDonald, JEO Consulting Group, Inc., the Board and Stacey Ziemba, County Highway Superintendent, discussed the engineering evaluation and information that was presented at previous meetings. On May 13, 2019 the Board reviewed two options McDonald prepared following the flooding and adverse weather in March/April 2019. The Board has been informed that contractors for improvement projects are not readily available or providing bidding of projects at this time with all of the infrastructure damage across the state. McDonald informed the Board that repair options may have to be considered now due to the rising costs and shortage of materials and contractors. McDonald prefers to advertise for bids now in order to obtain a closer estimate of the costs of material/labor for the suggested repair projects. Motion made by Rasmussen, second by Temme to authorize the Boone County Clerk to submit an ad prepared by JEO Consulting Group, Inc. for bids for the repair of 145<sup>th</sup> Street, Petersburg West project. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Denny Johnson, County Sheriff, presented quotes for the Board to review to upgrade computers located in the County Law Enforcement building. Johnson informed the Board that the State will no longer be supporting the





# Boone County Board Minutes



Windows 7 software for law enforcement purposes and will be upgrading to Windows 10 software. Johnson informed the Board that Windows 10 software may possibly be downloaded onto two or three of the computers instead of purchasing new computer units for \$135.00 each. The computer in the Sheriff's office and the laptop need replacing. The new Nebraska State Law requires law enforcement to issue digital citations, requiring an in-car computer with printer in each law enforcement vehicle. Johnson informed the Board that he has filed a request to exempt Boone County for 2019 from the new statute requirements for digital citation processing. The difference in the laptop computer quotes of \$1,457.00 and \$1,810.00 is that the \$1,810.00 laptop would be ready for in-car use. Motion made by Rutten, second by Temme to authorize the County Sheriff to purchase a laptop (\$1,810.00) and computer (\$841.00) in Sheriff's office and upgrade the two/three computers with Windows 10 software for \$135.00 each, per quotes from Applied Connective Technologies, LLC. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Denny Johnson, Sheriff, and the Board discussed the purchase of a bullet proof vest for a potential new law enforcement employee. Johnson informed the Board that there is a grant to help pay for a portion of a vest. A vest averages around \$800.00-\$855.00 and Johnson would like authorization to order a vest today prior to the hiring of a new deputy. The grant application submission deadline is today. Motion made by Rasmussen, second by Rutten to authorize the County Sheriff to apply for a grant to help support the purchase of a vest for approximately \$855.00. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Denny Johnson, Sheriff, presented information and approximate costs for the Board to review regarding new equipment if Boone County Law Enforcement becomes a part of the Nebraska State Wide Radio System (SRS). Johnson said that Nance County is already on the SRS and the merger of the Boone and Nance County Sheriff's offices 911 Communications/Dispatching is set for June 1, 2019. Boone County will be dispatching for Nance County. The proposed costs for upgrading all law enforcement equipment (two consoles, mobile and portable radios, etc.) to the SRS is \$318,107.00. Motorola Solutions offers a lease program for the Board to consider if funds are not readily available. In addition, the County would have the option of joining a statewide core system for a ten year period for approximately \$100,000.00, where the state would upgrade/replace the county hardware/software as needed. Johnson said that today is only information for the Board to review with further discussion at a later date.

## Public Comments:

- Meetings: Boone County Planning Commission Board – May 28, 2019; Boone County Health Center Board – May 28, 2019; County Board of Equalization Workshop – June 5, 2019; and Board of Commissioners Workshop – June 6 & 7, 2019.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. board meeting.
- Mark Wegener reported a plugged culvert with water over the road on 290<sup>th</sup> Street.
- The County Clerk/Election Commissioner office appreciated Commissioner Rutten and Sheriff Johnson delivering surplus Election equipment/material to various counties.
- The Board acknowledged receiving TIF reports in accordance with NE State Statute Chapter 18.

Chairman Rasmussen declared the meeting adjourned at 11:15 A.M., with the next Board meeting scheduled for Monday, June 10, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 10, 2019  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 10, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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. 149 in the amount of \$3,620.75 submitted for reimbursement for sand, rock and road maintenance by others. The Board and County Highway Superintendent discussed the use of private owned equipment and labor hours that were not approved in advance for services by the County Highway Superintendent. Motion made by Rasmussen, second by Rutten to partially approve Vendor ID No. 149 for the reimbursement of the sand and rock material in the amount of \$980.75 and partially reject Vendor ID No. 149 in the amount of \$2,640.00 for services that were not approved in advance by the County as stated above. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the change to Vendor ID No. 149 as stated above: General - \$187,713.03; Road/Weed - \$170,859.50; 911 Emergency Management (2910) - \$58,409.02; 911 Wireless Services (2913) - \$10,176.11; 911 Wireless Service Holding (2914) - \$25,337.87; Fair Building (4025) - \$49,464.06; and Ambulance - \$1,774.93. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Proceedings of May 28, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the following reports of the County Officials as presented for May, 2019:

- Clerk - \$7,554.00 (State of Nebraska - \$3,396.85/County of Boone - \$4,157.15)
- Clerk of the District Court - \$1,641.51 (State of Nebraska - \$906.00/County of Boone - \$735.51)
- Sheriff - \$3,414.90
- Treasurer – Misc. Receipt Nos. 17078-17139 - \$485,543.33; Total Collections - \$1,547,675.90.

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

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received two requests for advertisement funding.

The Petersburg Community Club requested assistance to advertise the Bash in the Burg event scheduled for July 27, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Bash in the Burg event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The St. Edward Community Club requested assistance to advertise the Beaver Valley Days event scheduled for July 26, 27 and 28, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Beaver Valley Days event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board received Payment Application No. 7 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete and electrical system work. Motion made by Rasmussen, second by Rutten to approve payment number seven for \$49,464.06 from Rathman Manning Construction as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Jeff Jarecki was appointed Boone County Public Defender in August of 2012. Jarecki reported that the cases assigned in 2012 through 2017 are all completed. Jarecki reported that he had been assigned forty-seven cases in 2018. Jarecki said that forty-three of the cases are closed; two of the cases were conflicts; and two cases remain open. Jarecki reported that he has been assigned fourteen cases to date for 2019. Jarecki said that of the 2019 cases to date, five are closed; one of the cases was a conflict; and eight cases remain open. Jarecki explained to the Board that some juvenile cases take a long time to complete. Juvenile cases may remain open until the court case is resolved or the age of nineteen. Jarecki answered the Board's questions regarding conflict of interest and closed/open cases. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved. The Board thanked Jarecki for the updated report and his diligent services. Jarecki thanked the Board and is very appreciative of the contract for public defender services. Motion made by Rasmussen, second by Rutten to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, LLC (Applied), the Board and Denny Johnson, County Sheriff, discussed the Communications Tower located next to the County Law Enforcement building at prior Board meetings. Knott presented to the Board a Lease Agreement for the Board to review. Knott said that the Lease Agreement for the Communications Tower next to the County Law Enforcement building is very similar to the Lease Agreement that was approved on May 13, 2019 in regard to the County Communications Tower located at the county fairgrounds. Knott asked the Board if they would consider leasing space on the Communications Tower located next to the County Law Enforcement building for Applied to install their equipment that services the area. Knott informed the Board that Applied would have less equipment installed on said tower. The Board acknowledged that the County has current agreements with the privately owned entity, Applied Connective Technologies, LLC, for the courthouse and law enforcement buildings telephone system, internet/email and fire wall services. Motion made by Rutten, second by Temme to approve a Lease Agreement by and between the County of Boone, Nebraska and Applied Connective Technologies, LLC for an initial term of five years with an automatic yearly renewal and a yearly space rental sum of eight hundred dollars on the Communications Tower next to the County Law Enforcement building and that the 2019 rental sum is prorated for \$400.00 as presented. Roll call: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

No seal bids were received for the advertised 1972 Fruehauf tank trailer. The Board and County Highway Superintendent discussed other options for the disposal of said tank trailer.

Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Leon Magsamen of Albion expires in June 2019. Motion made by Temme, second by Rutten to re-appoint Leon Magsamen of Albion to a five-year term effective July 1, 2019 through June 30, 2024 to the Boone County Veterans Service Board. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



Larry Bird, Chairman of the Friends of the Trail Committee, appeared to provide an update regarding the progress being made on the Boone County Trails System. Bird informed the Board that there is a tree branch hanging over the trail on the west area that needs to be cut down. Commissioner Rutten plans to take care of said tree branch. Bird presented plans to install benches on concrete pads along the trail. Bird asked the Board for permission to install two benches along the trail on County owned property. Bird shared a picture of the bench that a family has purchased to donate to the trail area in memory of a family member. Motion made by Temme, second by Rasmussen to approve the Friends of the Trail Committee to install two benches along the Boone County Trails System on County property as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board reviewed a written resignation for retirement from a full-time Deputy County Sheriff employee. Motion made by Temme, second by Rutten to accept and approve the resignation of Sergeant Michael (Mick) Zabka effective June 21, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The cities, villages and rural fire protection districts located in Boone County, Nebraska created a mutual finance organization (MFO) in March of 2005 as authorized by the Nebraska Municipal Finance Assistance Act, Neb. Rev. Stat. §35-1201, et seq. Denise Ziemba, Region 44 Emergency Manager, informed the Board that to reflect the changes with the passage of Nebraska Legislature LB63, a revised Interlocal Cooperation Agreement has been prepared for the Board to review and approve. The participants agree to a maximum property tax levy at the rate of two cents on each \$100 of taxable valuation of the property subject to levy for the purpose of jointly funding the operations of the participants. This agreement shall supersede previous MFO agreements. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Interlocal Cooperation Agreement for the Boone County Fire Protection Mutual Finance Organization (MFO), Boone County, Nebraska as presented. Roll call Vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, updated the Board regarding the Boone County Local Emergency Operations Plan (LEOP). The LEOP is to be reviewed annually and revised/updated every five years. The 2019 LEOP supersedes the LEOP approved in 2014 and all prior Boone County Local Emergency Operations Plans. Motion made by Temme, second by Rasmussen to accept and approve Resolution No. 2019-17, the 2019 Boone County Local Emergency Operations Plan (LEOP). Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, informed the Board that the Federal Emergency Management Agency (FEMA) will be requiring Nebraska Emergency Management Agency (NEMA) to have each County prepare and have their own procurement policy in place by the end of 2020. Ziemba plans to start preparing a Boone County Procurement Policy.

The Board accepted a three-year audit bid proposal on March 13, 2017 from Schumacher, Smejkal, Brockhaus & Herley, P. C. of Norfolk, Nebraska to audit the county governmental activities. The Board reviewed an Engagement Letter for auditing services for the 2018-2019 fiscal year submitted by Schumacher, Smejkal, Brockhaus & Herley, P. C. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman, County Clerk and County Treasurer to sign the Engagement Letter for auditing services for the 2018-2019 fiscal year as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



The Board and County Clerk discussed obtaining copy paper quotes for the fiscal year 2019-2020. The copy paper has increased substantially since the approved copy paper quotes in June 2018 for fiscal year 2018-2019. The consensus of the Board to continue obtaining copy paper quotes for fiscal year 2019-2020 for the County offices due to it saves costs to purchase ten cartons of copy paper at one time verses each office purchasing a carton of paper when needed. Each carton (box) of copy paper includes ten reams of five hundred sheets per ream.

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

- The supply of gravel and rock is very limited.
- Started looking for a replacement truck-tractor for Road District #1 to replace the one that was damaged in the March flood.
- County Highway Superintendent informed the Board that eleven bridge structures need to be evaluated for scour. Bridge Scour is the removal of sediment such as sand and gravel from around bridge abutment or piers.

Stacey Ziemba, County Highway Superintendent, submitted an estimate for the Board to review for a box culvert repair on 170<sup>th</sup> Street/290<sup>th</sup> Avenue. Ed Hoevet Excavating of Ord, Nebraska submitted an estimate for the use of flowable fill, excavator and labor to repair said box culvert. The flowable fill is a watered-down concrete mixture that flows freely into a space then dries up to a hard dirt texture. Motion made by Temme, second by Rutten to accept and approve the estimate of \$3,800.00 from Ed Hoevet Excavating for repair of said box culvert on 170<sup>th</sup> Street/290<sup>th</sup> Avenue as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: BCDA, Inc. – June 11, 2019; Central Nebraska Joint Housing Authority – June 13, 2019; Northeast Nebraska Area Agency on Aging – June 20, 2019.
- Commissioners Temme and Rutten updated the Board regarding the County Board of Equalization workshop and County Board workshop held in Kearney last week.
- Commissioner Temme updated the Board regarding a meeting with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.
- Denny Johnson, Sheriff, updated the Board regarding the Boone and Nance County 911 Communications and dispatcher merger. On May 31, 2019 Boone County started dispatching for Nance County. Anyone calling the Boone County Sheriff's office will now be greeted by a dispatcher answering "Law Enforcement Center".

Chairman Rasmussen declared the meeting adjourned at 1:03 P.M., with the next Board meeting scheduled for Monday, June 17, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 17, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 17, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Mary Ziemba, County Zoning Administrator, presented four sealed proposals/quotes for the Board to review for updating the Boone County Comprehensive Plan and Regulations. The proposals/quotes received and representatives were: Keith Marvin for Marvin Planning Consultants, Inc. of David City, NE - \$25,400.00/County, plus \$6,000.00 - \$9,000.00 each for Cedar Rapids, Petersburg and St. Edward; Jennifer Hiatt for Miller & Associates Consulting Engineers, P.C. of Kearney, NE - \$43,500.00 all-inclusive for County, Cedar Rapids, Petersburg and St. Edward; Hanna:Keelan Associates, P.C. of Lincoln, NE - \$24,000.00/County, plus \$5,000.00 each for Cedar Rapids and Petersburg, and \$6,000.00 for St. Edward; and Orval Stahr for Stahr & Associates, Inc. of York, NE - \$24,250.00/County plus \$3,000.00 for subdivision regulations, \$3,500.00 for economic development strategic plan, and \$8,000.00 - \$10,000.00 each for Cedar Rapids and Petersburg. The Board asked several questions and each representative that attended presented their proposal. The proposed timelines for completion of the updated Boone County Comprehensive Plan and Regulations ranged from nine months to eighteen months. Motion made by Temme, second by Rutten to table a decision to allow the Board time to review the proposals/quotes to the July 15, 2019 Board meeting. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Proceedings of June 10, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board of Equalization Proceedings of June 10, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

As provided by State Statute, Section 23-1302, the County Clerk shall certify to the County Treasurer as of June 15 and December 15 each year the total amount of unpaid claims of the county. Motion made by Temme, second by Rutten to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Denny Johnson, County Sheriff, and Laurie Krohn, County Treasurer, submitted a Distress Warrant Report with regard to the 2017 personal property taxes. The distress warrants that were issued in November 2018, were all collected by the County Sheriff's office and returned back to the County Treasurer's office on June 11, 2019. The total collected on ten distress warrants without penalties was \$7,200.37. There are no distress warrants unpaid as of June 11, 2019. Motion made by Rasmussen, second by Rutten to accept and approve the County Sheriff and Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



The Boone County Board of Commissioners adopted the 2018-2019 County Budget on September 17, 2018. An interfund transfer from the Inheritance Tax Fund (2700) to the Fair Building Fund (4025) was approved for a new building at the county fairgrounds. Motion made by Temme, second by Rutten to approve Resolution No. 2019-18, authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$1,127,716.00 from the Inheritance Tax Fund (2700) to the Fair Building Fund (4025) as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Board of Commissioners authorized the Boone County Treasurer to transfer funds from the General Fund to the Road Fund on a monthly basis each fiscal year. The County Treasurer disperses the percentage of delinquent taxes received each month to the respective funds. Motion made by Rasmussen, second by Temme to adopt and approve Resolution No. 2019-19, authorizing the Boone County Treasurer to discontinue the transfer of funds from the General Fund to the Road Fund for the delinquent tax years 2016 and 2017 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Denny Johnson, Sheriff, informed the Board that the new law enforcement vehicle has arrived and that the law enforcement equipment and lettering are currently being removed from the 2012 Ford Explorer. The County did not trade-in the 2012 Ford Explorer when the 2019 Chevrolet Pickup was purchased. Motion made by Temme, second by Rasmussen to approve liquidation of the 2012 Ford Explorer through a local business/dealer. Roll call Vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Denny Johnson, Sheriff, presented information and approximate costs for new radio equipment and a statewide core system for a ten year period where the state would upgrade/replace the county hardware/software as needed to become a part of the Nebraska State Wide Radio System (SRS) for the Board to review on March 11, 2019 and May 28, 2019. Michael Epley, Platte Valley Communications of Kearney, NE and Adam Schmidt, Motorola Solutions, Inc. Nebraska sales area representative, presented to the Board a pricing summary for new equipment in the law enforcement building, mobile and portable radios, repeaters, programming and installation for County Law Enforcement personnel. Schmidt explained the pricing summary for new equipment and a ten year dispatch life cycle services post warranty support services that are available. The Board and Denny Johnson, Sheriff, asked several questions regarding the need/advantage of upgrading consoles, all mobile and portable radios, and other equipment at the same time or in separate budgeted years. Johnson informed the Board that Platte County Communications is currently the back-up for Boone County dispatching for first responders, etc. Schmidt informed the Board that Motorola offers a lease purchase plan from three years through seven years. The pricing summary for all new equipment, radios and first year warranty/maintenance quote is approximately \$318,107.30. The approximate quote for a ten year dispatch life cycle/warranty services and for keeping the software/firmware upgraded is \$211,461.00. The consensus of the Board is to review the information, further discuss the advantages to become a part of the Nebraska State Wide Radio System (SRS) and funding of approximately \$529,568.30. The Board made no decision at this time.

The Board; Boone County Agricultural Society, Inc. board members Charles Rolf, Jeryl Kettelson and Paul VanDeWalle; Kurt Kruse, new building supporter to receive pledges/donations; and Pam Jochum, representing County Attorney office, discussed several responsibilities in regard to the county fairgrounds/buildings/improvements. A beginning draft of an Interlocal Cooperation Agreement between the County and Ag Society will be reviewed, revised and discussed as to responsibilities, insurance, new building bond payments, etc. at a later meeting. The new fairgrounds building completion date was estimated for end of January 2020. The days of adverse weather since January for construction projects outnumber the good days. The Board made no decisions at this time.



# Boone County Board Minutes



The Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. The supply of gravel and rock is still very limited. Stacey Ziemba, Highway Superintendent, informed the Board that an order for bridge material needs to be submitted as it may be next year before receiving the material in order to fix bridges.

The Board received information in regard to the 2002 Kenworth truck-tractor that was considered a total loss during the March flood. Motion made by Rasmussen, second by Temme to approve Nebraska Intergovernmental Risk Management Association (NIRMA) to further negotiate with the Great West Casualty Company regarding the replacement value of the 2002 Kenworth truck-tractor. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, presented information from Brian McDonald, JEO Consulting Group, Inc., for the Board to review in regard to engineering services. In order to receive reimbursement from FEMA, there needs to be a request to receive proposals from engineering firms for the damaged structures. Motion made by Rasmussen, second by Rutten to authorize Stacey Ziemba, Boone County Highway Superintendent, to make a request for engineering services and send the request form to engineering firms. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – June 17, 2019; Boone County Health Center Board – June 18, 2019; Northeast Nebraska Area Agency on Aging – June 20, 2019; Northeast Nebraska Juvenile Services, Inc. - June 21, 2019.
- Rod Nelson, Courthouse Maintenance, updated the Board on available storage units.
- Rod Nelson, Courthouse Maintenance, updated the Board regarding the trimming/shaping of trees on the courthouse property.

Chairman Rasmussen declared the meeting adjourned at 1:10 P.M., with the next Board meeting scheduled for Wednesday, June 26, 2019.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, June 17, 2019 at 9:45 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme, Ben Rutten and Alan Rasmussen. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator; Mark Grundmayer, Applicant and property owner; and Christine Grundmayer, property owner. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Mark Grundmayer. Mark J. and Christine M. Grundmayer, Trustees are the property owners of the real estate referenced herein. The application request is to divide 5.29± acres from a parcel of farm land to residential located in a fraction of the NW1/4NE1/4 of Section 5, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Mark Grundmayer explained to the Board that the purpose for dividing the 5.29± acres from the farm land is to sell the property to their son to construct a new residential home on family property. Grundmayer explained that the surveyed property follows a wind tower road, tree line and existing fence line. A survey for 5.29± acres of which 0.14 acres more or less is occupied by county road right-of-way is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.29± acres from the parcel of farm land for construction of a new residential home on family property. Ziemba informed the Board that a Waiver of Distance has been signed as requested by the Boone County Planning Commission.

Motion made by Rasmussen, second by Temme to close said public hearing at 9:52 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Mark Grundmayer to divide 5.29± acres from a parcel of farm land to residential to construct a new residential home on family property located in a fraction of the NW1/4NE1/4 of Section 5, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, June 17, 2019 at 9:40 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme, Ben Rutten and Alan Rasmussen. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Rex Horn, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Rex and Laurie Horn. Rex A. and Laurie A. Horn are the property owners of the real estate referenced herein. The application request is to divide 79.65± acres from a parcel of farm land to allow their son to purchase one-half of farm and stay on the farm. The said survey is for the N1/2 of the SE1/4 of Section 36, Township 19 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska and containing 79.65 acres more or less of which 1.00 acres more or less is occupied by county road right-of-way.

Rex Horn explained to the Board that the purpose for dividing the 79.65± acres from the farm land is to sell family property to their son. A survey for 79.65± acres of which 1.00 acres more or less is occupied by county road right-of-way is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 79.65± acres from the parcel of farm land for sale of family property to a family member.

Motion made by Rasmussen, second by Rutten to close said public hearing at 9:43 A.M. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the Conditional Use Permit submitted by Rex and Laurie Horn to divide 79.65± acres of which 1.00 acres more or less is occupied by county road right-of-way from the farm land to sell the family property to their son located in the N1/2 of the SE1/4 of Section 36, Township 19 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, June 17, 2019 at 9:30 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Rasmussen, second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Alan Rasmussen, Ben Rutten and Larry Temme. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Daniel Preister, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Daniel and Tiffany Preister. Tim J. and Mary Z. Preister are the property owners of the real estate referenced herein. The application request is to divide 5.00± acres from a parcel of farm land to residential located in a fraction of the NE1/4NW1/4 of Section 22, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Daniel Preister explained to the Board that the purpose for dividing the surveyed 5.01± acres from the farm land is to construct a new residential home on family property. Preister informed the Board that access to the property will be from State Highway 91. A survey for 5.01± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.01± acres from the parcel of farm land for construction of a new residential home on family property. Ziemba informed the Board that a Waiver of Distance has been signed as requested by the Boone County Planning Commission.

Motion made by Rasmussen, second by Temme to close said public hearing at 9:39 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the Conditional Use Permit submitted by Daniel and Tiffany Preister to divide 5.01± acres from a parcel of farm land to construct a new residential home on family property located in a fraction of the NE1/4NW1/4 of Section 22, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 26, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Wednesday, June 26, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Larry Temme, Alan Rasmussen and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of May 22, 2019 through June 21, 2019. Motion made by Temme, second by Rutten to approve the County Payroll Claims filed for payment from the various funds: General \$105,628.68, BCBS \$49,554.60, Ameritas Ret \$7,257.86, EFTPS \$7,895.02, Section 125 Fees \$10.00, Wellness Program \$91.38; Road \$66,956.26, BCBS \$31,578.68, Ameritas Ret \$4,458.39, EFTPS \$5,060.20; Ambulance \$1,245.96, Ameritas Ret \$29.65, EFTPS \$95.30; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of June 17, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board of Equalization Proceedings of June 17, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the three County Board Zoning Public Hearing Proceedings of June 17, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed submitted quotes for the copy paper for the county courthouse fiscal year 2019-2020. The quote request was for seventy cases on seven coupons/ten cases per coupon of no less than 96 bright and no less than 20 lb. paid after each coupon order/delivery. The Board received two quotes and discussed the substantial cost increase of copy paper compared to June of 2018. Motion made by Rasmussen, second by Rutten to table a decision regarding the copy paper quotes for the courthouse 2019-2020 fiscal year to the July 8, 2019 Board meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Fund 2913 "911 Wireless Service Fund" was established by the Nebraska Auditor of Public Accounts and receives the Nebraska Public Service Commission funding for public safety answering points for the implementation and provision of Enhanced Wireless 911 services. The percentage of the set aside funds left in Fund 2913 is to be transferred either to the Fund 2914 "911 Wireless Service Holding Fund" for the funds set aside for future equipment and software purchases or to the Fund 0100 "General Fund" for the funding of salaries for 911 dispatching services before the close of the fiscal year end June 30<sup>th</sup> each year. Motion made by Rasmussen, second by Temme to approve Resolution No. 2019-20, authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$29,721.50 from the 911 Wireless Service Fund (2913) to the payroll General Fund (0100) as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.





# Boone County Board Minutes



Michelle Olson, BCDA, Inc. Executive Director, presented a resolution for the Board to review in regard to the Dissolution of Joint Public Agency of Boone County Development Agency. The County of Boone, City of Albion, City of St. Edward, Village of Cedar Rapids, Village of Petersburg and the Village of Primrose filed papers and documentation pursuant to Nebraska Statute for the creation of a joint public agency on October 24, 2000 forming the Boone County Development Agency. The joint public agency of Boone County Development Agency was approved by the Nebraska Secretary of State on October 26, 2000. The County of Boone, Nebraska approved County Resolution No. 2000-30 on September 25, 2000 a Joint Public Agency Agreement of the Boone County Development Agency upon the issuance of certificate of creation by the Nebraska Secretary of State's office. The BCDA, Inc. was formed as a Non-profit Corporation 501(c)(3) effective January 1, 2014 to replace the joint public agency entity. Olson informed the Board that the respective governmental units of the joint public agency created in October of 2000 have agreed to dissolve the joint public agency known as the Boone County Development Agency. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Resolution for the Dissolution of Joint Public Agency of Boone County Development Agency and the joint public agency no longer exists and the Boone County Development Agency is hereby dissolved. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Michelle Olson, BCDA, Inc. Executive Director, presented a Lease Agreement for the Board to review between the County of Boone, Nebraska and BCDA, Inc. The County is the owner of the real estate and building that is currently occupied by BCDA, Inc. The Board informed Olson of the procedure when the County owns property that they plan to sell or lease in accordance with State Statute 23-107.01. The County Board shall hold an open and public hearing prior to the sale or lease of County property. A public notice of any such public hearing shall be run once each week for two consecutive weeks prior to the hearing date. Motion made by Rasmussen, second by Temme to hold a public hearing at 10:00 A.M. on Monday, July 15, 2019 for the lease of real estate owned by the County, specifically the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County of Boone, Nebraska has been leasing space in the Old Albion Fire Station, 216 South 5<sup>th</sup> Street, Albion, NE since April 1, 2012. The space was used for the County Sheriff's department to secure property in their custody and County surplus inventory. The City of Albion has sold said real estate and building. The County leases a unit at Kayton International, Inc. of Albion for surplus inventory and will be in need of an additional unit for the items that were in the Old Albion Fire Station. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign a Lease Agreement – Storage Unit between Kayton International, Inc. and Boone County Courthouse for storage of surplus items for sixty dollars per month commencing June 17, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

No action was taken by the Board for the repair of 145<sup>th</sup> Street, Petersburg, West Project C-6 (394), due to no quotes were received to date for said project. Brian McDonald, JEO Consulting Group, Inc., the Board and Stacey Ziemba, County Highway Superintendent, discussed repair options that may have to be considered for now for the four miles commencing from State Highway 14, thence west on 145<sup>th</sup> Street to the curve. McDonald informed the Board that they can now negotiate phases of the project due to no quotes were received. McDonald suggested possibly proceeding in phases by first negotiating with a contractor to grind/mill the asphalt, bring the road up to current standards and then decide on permanent repairs.



# Boone County Board Minutes



Black Hills/Nebraska Gas Utility, LLC requested permission to bore a natural gas line under a county road commonly known as 345<sup>th</sup> Street running east and west in Section 4, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The request is to relocate a natural gas line (tract 5A) and meter under and across 345<sup>th</sup> Street, beginning in the Northwest corner of the SW1/4 of Section 4 on the west side of 345<sup>th</sup> Street; running thence East under 345<sup>th</sup> Street to relocate/replace natural gas line due to exposure from March 2019 flooding. Motion made by Temme, second by Rutten to approve Resolution No. 2019-21, granting permission to Black Hills/Nebraska Gas Utility, LLC to bore a natural gas line under a county road known as 345<sup>th</sup> Street to relocate/replace a natural gas line in Section 4, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Black Hills/Nebraska Gas Utility, LLC requested permission to bore a natural gas line under a county road commonly known as 345<sup>th</sup> Street running east and west in Section 4, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The request is to relocate a natural gas line (tract 6A) and meter under and across 345<sup>th</sup> Street, beginning 1975 feet more or less West of intersection of 345<sup>th</sup> Street and 190<sup>th</sup> Avenue; running thence South under 345<sup>th</sup> Street in Section 4 to relocate/replace natural gas line due to exposure from March 2019 flooding. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2019-22, granting permission to Black Hills/Nebraska Gas Utility, LLC to bore a natural gas line under a county road known as 345<sup>th</sup> Street to relocate/replace a natural gas line in Section 4, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

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

- No seal bids were received on June 10, 2019 for the advertised 1972 Fruehauf tank trailer. The Board and County Highway Superintendent have received possible interest in said tank trailer the past week. Commissioner Temme plans to take care of the disposition of the tank trailer.
- County Highway Superintendent is scheduled to meet with FEMA representatives on July 2, 2019.
- The 1996 140H motor grader is in need of extensive repairs. CAT has a motor grader available that has been ordered and can be sold as state bid. The Board suggested that the County Highway Superintendent contact CAT and find out if Boone County may purchase said motor grader due to a motor grader has not been ordered yet to replace the 1996 model.

Schmeits, Mueller & Martinsen, P.C., Jordan Mueller, CPA, submitted a Letter of Understanding regarding the preparation of the annual county budget. The budget document that Richard D. Martinsen, CPA assists with is being prepared solely for fulfilling the State of Nebraska budget law requirements. Motion made by Temme, second by Rutten to approve the Letter of Understanding with Schmeits, Mueller & Martinsen, P.C., Richard D. Martinsen, CPA, to assist in the preparation of the county budget for fiscal year 2019-2020. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff/Jail office employee. Motion made by Rasmussen, second by Rutten to accept and approve the resignation of Patrick S. Cleveland effective June 21, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Primrose Rural Fire Department requested assistance to advertise the Primrose Rural Fire Department Car Show fundraiser event scheduled for August 11, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Car Show event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Board approved surveying services of the County owned property in 2017 known as the Boone County Fairgrounds for property line ownership with complete legal descriptions. The Board approved the Fairgrounds 1<sup>st</sup> Subdivision in October of 2017 to correct the discrepancies with the metes and bounds legal descriptions and to clarify ownership of the real estate. The County Resolution 2018-09/City Resolution 108 (18) that was approved in March of 2018 addressed the transfer of ownership of the site of existing water wells owned by the City of Albion and associated ingress and egress easements located upon Lots 2, 3 and 4 and those portions of Fairview, South, Park View and 11<sup>th</sup> Streets, Fairgrounds 1<sup>st</sup> Subdivision to the City of Albion, Boone County, Nebraska. The Annexation Plat for Fairgrounds 1<sup>st</sup> Subdivision, City of Albion, Boone County, Nebraska was filed in the Boone County Register of Deeds office on February 22, 2018. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign a Warranty Deed from the County of Boone, Nebraska, to the City of Albion, Nebraska, the real estate being All of Lots Two (2), Three (3) and Four (4), Fairgrounds 1<sup>st</sup> Subdivision, located in part of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township Twenty (20) North, Range Six (6) West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: Highway Superintendent with FEMA – July 2, 2019; NACO Webinar regarding LB512, Board of Equalization Protest Form 425 – July 8, 2019.
- Commissioner Rutten updated the Board regarding the Northeast Nebraska Juvenile Services, Inc. meeting.
- John Groeteke expressed concerns of road conditions, prioritize road problem areas, and protocol to get the County roads back to standards.

Chairman Rasmussen declared the meeting adjourned at 1:10 P.M., with the next Board meeting scheduled for Monday, July 8, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 8, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 8, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Alan Rasmussen and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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. Motion made by Rasmussen, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$71,743.16; Road/Weed - \$137,997.97; Inheritance Tax - \$54,500.00; 911 Emergency Management (2910) - \$436.68; 911 Wireless Services (2913) - \$490.86; and Ambulance - \$3,099.59. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of June 26, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board of Equalization Proceedings of June 26, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the following reports of the County Officials as presented for June, 2019:

- Clerk - \$6,949.75 (State of Nebraska - \$3,181.59/County of Boone - \$3,768.16)
- Clerk of the District Court - \$571.35 (State of Nebraska - \$216.00/County of Boone - \$355.35)
- Sheriff - \$3,349.81
- Planning and Zoning - \$716.31
- Treasurer – Misc. Receipt Nos. 17140-17201 - \$266,543.34; Total Collections - \$488,531.53.

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

The County Treasurer submitted a Semi-Annual Statement for January 1, 2019 through June 30, 2019. Motion made by Rutten, second by Temme to accept and approve the County Treasurer's Semi-Annual Statement as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Clerk and County Treasurer submitted copies of pledged securities (collateral) for their respective offices as of June 30, 2019. Motion made by Rasmussen, second by Rutten to acknowledge and approve the pledged securities (collateral) as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The County Clerk submitted a Statement of Receipts and Disbursements for fiscal year end June 30, 2019. Motion made by Temme, second by Rutten to accept and approve as presented the County Clerk/Register of





# Boone County Board Minutes



Deeds 2018-2019 fiscal year-end report. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed submitted quotes for the copy paper for the county courthouse fiscal year 2019-2020 on June 26, 2019 and tabled a decision to the July 8, 2019 Board meeting. The quote request was for seventy cases on seven coupons/ten cases per coupon of no less than 96 bright and no less than 20 lb. paper, paid after each coupon order/delivery. The Board previously discussed the substantial cost increase of copy paper from July 2018 through June 2019, compared to the quotes received in June of 2018. The quotes for the 2019-2020 request range from \$34.50 to \$42.99 per case. A case of copy paper is 10 reams/5,000 sheets. The Board discussed the coupon quote request, differences of the quotes received, and purchase/storage of seventy cases at the quoted price as one order. The Board discussed the little difference between the quotes and felt they should keep the purchase local. Motion made by Temme, second by Rutten to accept the copy paper quote from Albion News and approve ordering the seventy cases as one order at \$34.50 each for the fiscal year 2019-2020. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

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

- The County Highway Superintendent updated the Board regarding her meeting with a FEMA representative on July 2, 2019. Reimbursement of total cost of approved projects are FEMA seventy-five percent, NEMA twelve and one-half percent and County twelve and one-half percent. The County pays the total cost of all the infrastructure repairs from the March 2019 storm damages and are not to expect any reimbursement for five to eight years.
- The County Highway Superintendent informed the Board that the estimated approximate cost for asphalt repair is \$400,000.00 per mile.

The Board and County Highway Superintendent discussed the purchase of a motor grader to replace the 1996 140H that is in need of extensive repairs on June 26, 2019. The County currently has thirteen motor graders and a new purchased motor grader would be for Road District #3. The NMC CAT representative in Norfolk said that there is a Caterpillar Model 140 available to purchase through the state bid. The Board reviewed the state bid sales agreement from NMC CAT. The state bid sales agreement includes a five year/5000 hr. warranty and a parts credit of \$21,000.00. Motion made by Rutten, second by Rasmussen to authorize the Board Chairman to sign the NMC CAT Sales Agreement for the purchase of a new Caterpillar Model 140 motor grader with a five year warranty and parts credit for the state bid of \$306,390.00 less trade-in of the 1996 140H of \$20,000.00 for a total purchase of \$286,390.00. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Denny Johnson, Sheriff, and the Board have reviewed and discussed information and approximate costs for new radio equipment and a statewide core system for a ten year period where the state would upgrade/replace the county hardware/software as needed to become a part of the Nebraska State Wide Radio System (SRS) at several Board meetings. The Board and Johnson discussed purchasing or leasing the equipment; include or not include the ten year core service program; and advantages or disadvantages to become a part of the Nebraska State Wide Radio System (SRS). The pricing summary for all new equipment, radios and first year warranty/maintenance quote is approximately \$318,107.30. The approximate quote for a ten year dispatch life cycle/warranty services and for keeping the software/firmware upgraded is \$211,461.00 for a total of approximately \$529,568.30. The Board made no decision at this time.



# Boone County Board Minutes



Denny Johnson, Sheriff, informed the Board that there is more training required for the consolidated Boone/Nance 911 Communications merger and there has been additional demands/stress on the dispatchers. Johnson feels the dispatchers need some form of extra compensation for the additional merger demands, working night shifts and weekends. The Board made no decision at this time.

The Board discussed budget preparation for fiscal year 2019-2020 with the County Assessor, Clerk, Sheriff, Chief Deputy Sheriff, Highway Superintendent, Zoning Administrator, Veteran Service Officer, Courthouse Maintenance, County Court, and Attorney office employee. The Board would like to make some spending cuts where possible. Due to the infrastructure damage from the March 2019 storms the Board asked that there be none or very little increase for operating line codes from the prior year request. The infrastructure damage to the County roads, bridges, etc. reimbursement of repair costs (if any) will not be received from FEMA/NEMA for five to eight years. The Board would like to be able to repair the infrastructure damages without having to bond or borrow additional funds. The consumer price index cost of living increase was 1.8 percent. The employee benefits were discussed. The Board made no decision at this time in regard to an hourly Cost of Living wage increase for full time employees.

Motion made by Rasmussen, second by Temme to recess at 1:26 P.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County Board of Commissioners and County Assessor joined the NACO webinar at 1:30 P.M. regarding the 2019 legislative session passage of LB512. An owner of real property that became destroyed on or after January 1 and before July 1 of the current assessment year may file a Form 425, Report of Destroyed Real Property. Destroyed Real Property means real property that suffered significant property damage as a result of a calamity. Calamity means a disastrous event, including but not limited to a fire, earthquake, flood, tornado or other natural event. The valuation protest Form 425 is heard by the County Board of Equalization.

Motion made by Rasmussen, second by Temme to reconvene said Board meeting at 2:20 P.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

## Public Comments:

- Bob Leslie expressed concerns of road/bridge conditions in the Boone/Greeley County line area.
- Commissioner Rasmussen updated the Board regarding the East-Central District Health Department changes.

Chairman Rasmussen declared the meeting adjourned at 3:00 P.M., with the next Board meeting scheduled for Monday, July 15, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 15, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 15, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of July 8, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board of Equalization Proceedings of July 8, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. St. John's The Baptist Catholic Church of Petersburg requested assistance to advertise the St. John's The Baptist Catholic Church Bazaar Fall Festival fundraiser event scheduled for September 1, 2019. Motion made by Temme, second by Rasmussen to approve the application requesting funding assistance for advertisement of the Church Bazaar Fall Festival from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board reviewed the 2018-2019 fiscal year-end Boone County Ambulance Services report. Motion made by Rutten, second by Rasmussen to accept and approve as presented the Boone County Ambulance Service 2018-2019 fiscal year-end report. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The County Treasurer submitted to the Board a list of delinquent 2015 real estate taxes not sold at the tax sale held in March 2019 as per Nebraska State Statute. Motion made by Rutten, second by Temme to approve Resolution No. 2019-23, hereby directing the Boone County Treasurer to issue Treasurer's Certificates of Tax Sale in favor of Boone County on all parcels of real estate with delinquent real estate taxes for 2015 and subsequent years offered for sale for less than three consecutive years that were not sold for want of bidders as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board opened and reviewed proposals/quotes for updating of the Boone County Comprehensive Plan and Regulations on June 17, 2019. The Board tabled a decision to the July 15, 2019 Board meeting to allow the Board time to further review and compare the proposals/quotes. On July 8, 2019 the Board met with department heads. Due to the infrastructure damage from the March 2019 storms the Board asked that there be none or very little increase for operating line codes from the prior year's requests. The Board and County Zoning Administrator discussed the proposals/quotes and the need/timing of updating the regulations. Motion made by Temme, second by Rutten to decline the proposals/quotes and not move forward at this time for the updating of the Boone County Comprehensive Plan and Regulations. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Boone County Board of Commissioners held a public hearing at 10:00 A.M. on Monday, July 15, 2019 in the Boone County Courthouse in the Commissioners Room in Albion, Nebraska. The public hearing was held in accordance with Nebraska State Statute 23-107.01, prior to any such lease at which any interested party may appear and speak for or against the lease and raise any issue concerning the County Board leasing said County property. Motion made by Temme, second by Rutten to accept sealed bids for the property to be leased, specifically the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska, commonly known as BCDA, Inc. until 4:00 P.M. on Friday, July 26, 2019, at the Boone County Clerk's office with bids to be opened/reviewed at 11:00 A.M., on Monday, July 29, 2019 in the Boone County Commissioners Meeting Room located in the courthouse, Albion, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. The Board received an update on the current road projects throughout the County.

On June 17, 2019 the Board approved Nebraska Intergovernmental Risk Management Association (NIRMA) to further negotiate with the Great West Casualty Company regarding the replacement value of the 2002 Kenworth truck-tractor that was considered at total loss during the March flood. After further negotiations the Board received updated figures for the truck-tractor: GWCC Retains Salvage - Tractor ACV \$30,105.00, less deductible \$2,500.00; Boone County Retains Salvage – Tractor ACV \$30,105.00, less salvage reduction of \$4,025.00 and less deductible of \$2,500.00. Motion made by Rutten, second by Rasmussen to accept the 2002 Kenworth truck-tractor flood damaged settlement where GWCC Retains Salvage. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, presented a quote for the Board to review for ceiling (roof) and wall insulation material from Sentinel Building Systems for the County Road District #1, Cedar Rapids shop building. The quote does not include labor for installation of the insulation. The Board asked Ziemba to obtain labor quote(s) for the installation of the insulation, before a decision is made by the Board in regard to said project.

Stacey Ziemba, County Highway Superintendent, presented a sample bid specification prepared by RDO Truck Center for Dixon County for the Board to review. The sample bid specification is a guideline to help prepare bid specifications when the County is seeking bids for new trucks, etc. that are not purchased through a state bid. When an estimated value of a purchase is fifty thousand dollars or more the purchase is through the competitive sealed bidding process. Motion made by Temme, second by Rutten to authorize the County Highway Superintendent, to proceed through the competitive sealed bidding process for a new truck-tractor to replace the 2002 Kenworth. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board discussed budget preparation for fiscal year 2019-2020 at their July 8, 2019 Board meeting. The employee benefits, consumer price index and January cost of living wage increase for full time employees were discussed. The County Assessor, Clerk, Sheriff, Treasurer, Highway Superintendent, Zoning Administrator, UNL Extension Educator and Attorney office employee were present on July 15, 2019 to discuss a cost of living/performance evaluation merit pay for year 2020. The discussion in relation to wages in accordance with the County Employee Handbook for year 2020 was a percentage figured off of the lower starting range of the respective base wage, continue or discontinue the (0-12 cents) Merit Based Pay Program based on employee's performance evaluation, or full time employees receive a 35 cent per hour cost of living for 2020. The Board encouraged department heads to continue employee performance evaluations on a regular basis and that the performance evaluations will not provide for any wage increase.





# Boone County Board Minutes



Motion made by Rutten, second by Temme to eliminate the Merit Based Pay Program of (0-12 cents), employee performance evaluations will not provide for any wage increase and full time employees are to receive a 35 cent per hour cost of living wage increase for year 2020. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to go into executive session at 1:34 P.M., per the Open Meeting Act §84-1410(1), prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The Board met with the County Highway Superintendent. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried. Motion made by Rasmussen, second by Temme to come out of the executive session at 1:52 P.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried. No action was taken by the Board.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – July 15, 2019; Local Emergency Planning Committee (LEPC) – July 16, 2019; Northeast Nebraska Area Agency on Aging – July 18, 2019;
- Commissioner Rutten updated the Board regarding the Boone County Trails System (Friends of the Trail) meeting.
- Karen Kayton expressed concerns of a road's condition and need of gravel on 310<sup>th</sup> Street.
- Chuck Rolf, Boone County Agricultural Society, Inc. informed the Board of damage (possibly wind) to the frame of the new building being constructed at the fairgrounds.

Chairman Rasmussen declared the meeting adjourned at 2:00 P.M., with the next Board meeting scheduled for Monday, July 22, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, July 15, 2019 at 9:15 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Rasmussen, second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Alan Rasmussen, Ben Rutten and Larry Temme. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator; Jeff Jarecki, Attorney representative for property owners and applicants; Bryce P. and Mandy J. Naber, Applicants; and Loran D. and Patricia A. Naber, property owners. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Bryce P. and Mandy J. Naber. Loran D. and Patricia A. Naber, Trustees are the property owners of the real estate referenced herein. The application request is to divide 5.09± acres from a parcel of farm land to residential located in a fraction of the NW1/4NW1/4 of Section 19, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Bryce P. Naber explained to the Board that the purpose for dividing the 5.09± acres from the farm land is to purchase the property from his parents to construct a new residential home on family property. A survey for 5.09± acres of which 1.05 acres more or less is occupied by county road right-of-way is completed and attached to the application. The said parcel of 5.09± acres is located within the A-2, Agricultural Secondary District.

The Boone County Planning Commission Board recommended approval to divide 5.09± acres from the parcel of farm land for construction of a new residential home on family property.

Motion made by Rasmussen, second by Temme to close said public hearing at 9:20 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Bryce P. and Mandy J. Naber to divide 5.09± acres from a parcel of farm land to residential to construct a new residential home on family property located in a fraction of the NW1/4NW1/4 of Section 19, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, July 15, 2019 at 9:21 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme, Ben Rutten and Alan Rasmussen. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator; Jeff Jarecki, Attorney representative for property owners and applicants; Bryce P. and Mandy J. Naber, Applicants; and Loran D. and Patricia A. Naber, property owners. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Bryce P. and Mandy J. Naber. Loran D. and Patricia A. Naber, Trustees are the property owners of the real estate referenced herein. The application request is to divide 8.53± acres from a parcel of farm land located in a fraction of the NE1/4NW1/4 and a fraction of the NW1/4NE1/4 of Section 19, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Bryce P. Naber explained to the Board that the purpose for dividing the 8.53± acres from the farm land is to purchase the property and existing out buildings from his parents to be used for a farming operation. Loran D. Naber explained to the Board that he is retaining the ownership of the grain bin(s) site. A survey for 8.53± acres of which .97 acres more or less is occupied by county road right-of-way is completed and attached to the application. The said parcel of 8.53± acres is located within the A-2, Agricultural Secondary District.

The Boone County Planning Commission Board recommended approval to divide 8.53± acres from the parcel of farm land and existing out buildings for a farming operation.

Motion made by Rasmussen, second by Temme to close said public hearing at 9:24 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the Conditional Use Permit submitted by Bryce P. and Mandy J. Naber to divide 8.53± acres from a parcel of farm land to purchase the family property and existing out buildings located in a fraction of the NE1/4NW1/4 and in a fraction of the NW1/4NE1/4 of Section 19, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to be used for a farming operation. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS LEASE OF COUNTY OWNED REAL ESTATE

Alan Rasmussen, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, July 15, 2019 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Rasmussen, second by Commissioner Rutten to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Alan Rasmussen, Ben Rutten and Larry Temme. Also present for said hearing was Michelle Olson, BCDA, Inc. Executive Director. Chairman Rasmussen acknowledged the publication notice for the record.

In accordance with Nebraska State Statute 23-107.01, real estate owned by the county; sale or lease; terms and procedures: any county board has power to sell or lease real estate owned by the county and not required for county purposes at a fair market value regardless of the value of the property. The county board of such county shall hold an open and public hearing prior to any such sale or lease at which any interested party may appear and speak for or against the sale or lease and raise any issue(s) regarding the fair market value of the property as determined by the county board. Public notice of any such public hearing shall be run once each week for two consecutive weeks prior to the hearing date in any newspaper or legal publication distributed generally throughout the county.

The County Board of Commissioners has power to lease real estate owned by the county, specifically the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska. The County Board shall hold an open and public hearing in accordance with Nebraska State Statute 23-107.01.

The County Board of Commissioners ran a public notice the weeks of July 1 and July 8, 2019, prior to the hearing date of July 15, 2019 in the Albion News newspaper in accordance with state statute to lease county owned real estate.

The Board may advertise to reserve the right to reject any and all proposals received and to waive any informalities or technicalities. The Board is not obligated to accept the highest or lowest bid. If the county receives no bids or if the bids received are substantially lower than the fair market value, the County Board may negotiate a contract for lease of the real estate if such negotiated contract is in the best interests of the county.

The joint public agency of Boone County Development Agency was approved by the Nebraska Secretary of State on October 26, 2000. The former Boone County Development Agency operated within the County of Boone, Nebraska budget system and federal tax identification number. The BCDA, Inc. was formed as a Non-profit Corporation 501(c)(3) effective January 1, 2014 to replace the joint public agency entity. Due to the entity structure change from Joint Public Agency to a Non-profit Corporation, the County procedure to lease or sell real estate is outlined in said Nebraska State Statute.

Motion made by Temme, second by Rutten to close said hearing at 10:12 A.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to accept sealed bids for the property to be leased, specifically the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska, commonly known as BCDA, Inc. until 4:00 P.M. on Friday, July 26, 2019, at the Boone County Clerk's office with bids to be opened/reviewed at 11:00 A.M., on Monday, July 29, 2019 in the Boone County Commissioners Meeting Room located in the courthouse, Albion, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 22, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 22, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of July 15, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board of Equalization Proceedings of July 15, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the two County Board Zoning Public Hearing Proceedings of July 15, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Leasing Public Hearing Proceedings of July 15, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received two requests for advertisement funding.

The Albion Chamber of Commerce requested assistance to advertise the Albion Chamber of Commerce Rhythm & Ribs event scheduled for August 17, 2019. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the Rhythm & Ribs event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The St. Edward Economic Development requested assistance to advertise the St. Edward Economic Development Vintage in the Valley event scheduled for September 21, 2019. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Vintage in the Valley event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Board reviewed an estimate for appraisal services from Stanard Appraisal Services, Inc. of Central City, Nebraska for commercial and residential properties located in Boone County, Nebraska. The amount of the proposal to provide the appraisal of 55 Commercial parcels and 518 Residential properties in Boone County is \$104,240.00. The Board and County Assessor discussed the appraisal services quote for the 55 Commercial parcels in the City of St. Edward. The Board felt that it may be best to postpone the reappraisal of the commercial parcels at this time due to the March 2019 flood damage in order to allow time for the property owners to decide on the status of their property. Motion made by Rutten, second by Temme to approve Stanard Appraisal Services to prepare agreements to provide appraisal services for the 518 residential properties located in the Village of Petersburg and City of St. Edward, Boone County, Nebraska for approximately \$93,240.00. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The State of Nebraska, Department of Transportation submitted an Agreement for consultant inspection and load re-rating on county fracture critical bridges for the Board to review. The cost for the six bridge inspections is estimated to be \$12,291.60 for 2019. The state share is 80% (\$9,833.28) and the county share is 20% (\$2,458.32) of the estimated costs. Motion made by Rasmussen, second by Temme to approve Resolution No. 2019-24 and authorize the Board Chairman to sign the Agreement between Boone County, Nebraska and the State of Nebraska, Department of Transportation for Project No. STP-NBIS(118), Control No. 01003 Fracture Critical Bridge Inspections and Load Re-ratings as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed:

- Budgeting for two new truck-tractors and one belly-dump trailer for fiscal year 2019-2020. The RDO Truck Center, Co. of Norfolk, Nebraska are not participants in the state bidding process. The Board advised the County Highway Superintendent to proceed through the competitive sealed bidding process.
- The County Road Shop District #1, Cedar Rapids, repair/new construction of an office/break room has been discussed since October 2017 and bids were approved for new construction in November 2018. The project has not been completed to date. The Board advised the County Highway Superintendent to budget for the office/break room for fiscal year 2019-2020.
- Budgeting discussion was held in regard to projects on the 2019 One and Six Year Road Improvement Program and the 145<sup>th</sup> Street Project C-6 (394), Petersburg west.
- County Highway Superintendent informed the Board that the road department has started on three of the projects listed on the 2019 One Year Road Improvement Program. The Project Numbers are C-6(391), C-6(393) and C-6(400).
- County Highway Superintendent is scheduled to meet with a FEMA representative on July 25, 2019.

The Board made no decision in regard to replace or not replace a county road storage building that was removed/demolished due to wind damage in June 2018. County Highway Superintendent has been directed to obtain a second replacement quote for the destroyed structure.

Boone County Highway Superintendent received information for a new 2020 CAT motor grader that may be purchased through the state bidding process. A Nebraska Machinery Company representative plans to provide a trade-in price for a motor grader located in County Road District #1, Cedar Rapids, before the Board makes a purchase decision.



# Boone County Board Minutes



Denny Johnson, Sheriff, asked the Board to delay a decision in regard to a Communications System and Service Agreement with Motorola Solution's, Inc. for the purchase of radio equipment, etc. needed to become part of the Statewide Radio System (SRS). Johnson informed the Board that there are still some details he would like to negotiate with Motorola in regard to some of the type of radio equipment. Motion made by the Temme, second by Rasmussen to table action/decision until more information is available in regard to the purchase of new equipment to become part of the Statewide Radio System. Roll call Vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: East-Central District Health Department – July 25, 2019; Northeast Nebraska Juvenile Services, Inc. – July 26, 2019.
- Commissioner Rutten updated the Board regarding the Local Emergency Planning Committee (LEPC) meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioner Temme updated the Board regarding the Northeast Nebraska Area Agency on Aging meeting.

Chairman Rasmussen declared the meeting adjourned at 2:04 P.M., with the next Board meeting scheduled for Monday, July 29, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JULY 29, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Monday, July 29, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Larry Temme, Alan Rasmussen and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of June 22, 2019 through July 21, 2019. Motion made by Rasmussen, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$94,876.28, BCBS \$49,577.04, Ameritas Ret \$6,506.91, EFTPS \$7,079.08, Section 125 Fees \$10.00, Wellness Program \$94.20; Road \$58,910.11, BCBS \$31,578.68, Ameritas Ret \$3,921.20, EFTPS \$4,444.66; Ambulance \$2,910.64, Ameritas Ret \$94.40, EFTPS \$222.67; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of July 22, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board of Equalization Proceedings of July 22, 2019, July 25, 2019 and 2019 Final Proceedings as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Carrie Rodriguez, Chief Probation Officer for District Five Probation, appeared before the Board. Rodriguez introduced herself as the Chief Probation Officer, for the eleven counties comprising District Five Probation. The Nebraska Supreme Court District Five Probation consists of: Boone, Butler, Colfax, Hamilton, Merrick, Nance, Platte, Polk, Saunders, Seward and York counties. Rodriguez reviewed the 2018 District Five Probation report with the Board. The District Five Probation's fifty-one staff members served 2755 clients in 2018, four district court judges, five county/juvenile court judges and worked with Regions 3, 4 & 5 for Behavioral Health services. Rodriguez informed the Board that District Five Probation served forty-one adults and twenty-two juveniles for Boone County in 2018. Due to the increased number (2017=46, 2018=63) of clients served in the county, Rodriguez indicated that the Boone County share of the 2019-2020 fiscal year budget would be increased by approximately \$783.40 from \$7,295.00 to \$8,078.40. The budget has been submitted for approval to the Platte County Commissioners as the principal county for the district. Rodriguez explained the drug court procedures and that when there is a drug court meeting with client(s) the respective judge, probation officer, and others involved are volunteering their time over their lunch hour to meet with the client(s). Motion made by Rutten, second by Temme, to accept and approve the District Five Probation 2018 activity report and the 2019-2020 fiscal year budget request as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Denny Johnson, Sheriff, and the Board discussed the additional training required for the consolidated Boone/Nance 911 Communications merger on July 8, 2019. The dispatchers are required to attend training and obtain a Jail Management Certification and Telecommunications Certification. In addition, the dispatchers are required to become CPR/First Aid certified. On May 31, 2019 Boone County started dispatching for Nance County. Anyone calling the Boone County Sheriff's office will now be greeted by a dispatcher answering "Law Enforcement Center".





# Boone County Board Minutes



The Jail Management Certification is received after successfully completing a two week jail schooling and the Telecommunications Certification is received after successfully completing a three day telecommunications schooling. Both of these schoolings have to be completed within the first year of employment per State of Nebraska, Jail Standards. In addition, the Board and Johnson discussed a \$0.10 hourly wage differential for the dispatcher employee(s) regularly scheduled to work the overnight shift (midnight shift: 10:00 P.M.-8:00 A.M. or Midnight to 8:00 A.M. or Midnight to 10:00 A.M.). Then, when a dispatcher is no longer regularly scheduled to work the overnight shift, the \$0.10 is subtracted from the employee's hourly wage. The Boone County and Nance County Communications Merger Agreement is for three years with renewal options. Nance County is to help pay for dispatcher wages/benefits of \$108,265.00 for first year and a three percent increase each year thereafter. Motion made by Temme, second by Rutten to approve \$0.54 per hour upon completion of the Jail Management Certification; \$0.54 per hour upon completion of the Telecommunications Certification; hourly certification adjustments to be made for the dispatchers already having earned certifications; \$0.10 per hour differential for the dispatcher employee(s) that are regularly scheduled to work the overnight shift; and when an overnight dispatcher employee changes to day shift the \$0.10 per hour is removed from their hourly pay, effective July 22, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed a resolution submitted by the Boone County Attorney's office appointing Darren Wright as Special Appointed Attorney for Inheritance Tax matters when the County Attorney has a conflict in said estate for determining Inheritance Tax. The said resolution shows a rate change from the resolution approved on February 17, 2015 of \$95.00 per hour to a fee of \$75.00 for each probate case. The Board acknowledged that within the last three fiscal years the County has not paid any services for the Special Appointed Attorney for Inheritance Tax matters. The Special Appointed Attorney will receive \$75.00 for each probate case no matter if it takes fifteen minutes or two hours to complete the documents. Motion made by Temme, second by Rutten to approve Resolution No. 2019-25, appointing Darren Wright as Special Appointed Attorney for Inheritance Tax matters when the County Attorney has a conflict in said estate for determining Inheritance Tax at a rate of \$75.00 per each probate case and said Resolution No. 2019-25 shall void and take precedence over Resolution No. 2015-04 and all prior resolutions that pertain to the Special Appointed Attorney for Inheritance Tax matters as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Richard Martinsen, CPA, Schmeits, Mueller & Martinsen, P. C., prepared the annual county budget and submitted a preliminary 2019-2020 budget for the Board to review. The Board and Martinsen discussed the preliminary 2019-2020 budget requests submitted by the county departments. The Inheritance Tax Fund has been used for several years to reduce the county's property tax request, resulting in a low levy. The County budget property tax request last fiscal year was \$3,679,011.00 with a 2018 levy tax rate of 0.153638 and the preliminary tax request for the 2019-2020 fiscal year budget is \$4,246,131.00 which is a \$567,120.00 (15.415%) increase from last fiscal year budget. The majority of the increase is in the County Road Fund (0200) for road equipment and infrastructure repair/replacement of bridges/roads from the March 2019 adverse weather. At this time the counties have been informed that it may be five to eight years before any FEMA funds are received to help with the 2019 flood damage. The County Assessor's office has until August 20<sup>th</sup> each year to certify the valuations in order to set tax levies. Martinsen plans to meet with the Board on August 26, 2019 to complete the Fiscal Year 2019-2020 County budget for publication. Motion made by Temme, second by Rutten to accept and file the preliminary County of Boone, NE fiscal year 2019-2020 budget per state statute with possible changes to be made on August 26, 2019 before budget publication/hearing. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to set the budget hearing for the Fiscal Year 2019-2020 County Budget on Monday, September 16, 2019 at 10:00 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Board reviewed a Memorandum submitted by the Boone County Highway Superintendent, to execute an Emergency Service Procurement of the Presidential Declaration DR-4420-NE disaster that occurred in Nebraska on March 9, 2019 through April 1, 2019. The Emergency Procurement is for services: (1) Hire an engineer for services to identify and generate FEMA required documents and plans to repair bridges, culverts and roads; (2) Hire a Contractor for services to repair bridges, culverts and roads; and (3) Hire a Contractor to assist with Emergency Protective measures to remove debris (sand and corn stalks) and placing in approved areas. Motion made by Temme, second by Rutten to authorize the Board Chairman to sign a Memorandum giving permission to Stacey Ziemba, Boone County Highway Superintendent, to execute Emergency Service Procurements as stated in the Memorandum for the Presidential Declaration DR-4420-NE disaster that occurred in Nebraska in March 2019, as presented on July 29, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed the purchase of a new motor grader to replace the 1997 Caterpillar 140H motor grader on July 22, 2019. The County currently has thirteen motor graders. A new purchased motor grader would be for Road District #1. Eddie Bomar, Nebraska Machinery Company (NMC) of Norfolk, informed the County Highway Superintendent that there is a 2020 Caterpillar Model 140 motor grader on order and will be available in October to purchase through the state bid. The Board reviewed the state bid sales agreement from NMC. The state bid sales agreement includes a five year/5000 hr. warranty and a parts credit of \$20,750.00. Motion made by Rasmussen, second by Temme to authorize the Board Chairman to sign the NMC Sales Agreement for the purchase of a new 2020 Caterpillar (CAT) Model 140 motor grader with a five year warranty and parts credit for the state bid of \$292,560.00 less trade-in of the 1997 Caterpillar 140H of \$51,750.00 for a total purchase of \$240,810.00. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Boone County Board of Commissioners, in accordance with Nebraska State Statute Chapter §23-107.01, real estate owned by county, advertised for sealed bids to be opened at the Board meeting on July 29, 2019, for the following property owned by the county to be operated and leased for economic development purposes, specifically the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska, currently occupied by BCDA, Inc. Michelle Olson, BCDA, Inc. Executive Director, was present for the opening of the sealed bids. The Board received one sealed bid. Motion made by Rasmussen, second by Rutten to accept the lease bid with an annual rental of One Dollar (\$1.00) from BCDA, Inc., with the terms of the Lease to be finalized on August 12, 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

## Public Comments:

- Jon Cannon, NACO Deputy Director, introduced himself to the Board and updated the Board regarding Nebraska Association of County Officials (NACO) services and activity.
- Acknowledged receiving a letter from Terry L. Jessen, Oshkosh, Nebraska regarding real estate taxes.
- County Highway Superintendent updated the Board in regard to the availability of gravel/rock and hauling of gravel/rock.

It shall also be the duty of the County Board of each county of this state to visit the jail of its county per Nebraska State Statute §47-109. The Board conducted a routine visit of the Boone County Jail per Nebraska State Statute.

Chairman Rasmussen declared the meeting adjourned at 11:50 A.M., with the next Board meeting scheduled for Monday, August 12, 2019.

Kathy Thorberg,



# Boone County Board Minutes



Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
AUGUST 12, 2019                      ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 12, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 9:01 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten, Alan Rasmussen and Larry Temme; Rod Nelson, Courthouse Maintenance; Kathy Thorberg, County Clerk; Jacqueline L. Wells, Veteran's Service Officer; and Stacey Ziemba, County Highway Superintendent. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) In May of 2019, the safety minutes were emailed to the department heads as requested by Nelson; and (2) a courthouse fire drill was held on Friday, May 31, 2019, Nelson said the fire drill was completed successfully. New business that was addressed/reviewed: (1) Nelson addressed the Board's questions in regard to updating and testing of the All Call paging system, fire extinguishers, defibrillators and that the courthouse fire suppression system inspection will be conducted at the same time as the annual inspection by Meininger Fire Protection, Inc. this fall; (2) discussed available safety classes for employees through NIRMA; (3) Nelson addressed the Board's questions in regard to the location of Emergency Action Procedures and when he is unlocking the courthouse doors; (4) a courthouse fire drill is scheduled for October 25, 2019 at 8:15 A.M.; and (5) Boone County was accident free last quarter. The next Safety Committee meeting is tentatively scheduled for 9:00 A.M. on Monday, November 18, 2019. The Safety Committee meeting was adjourned by Ben Rutten, Chairman of the Boone County Safety Committee at 9:22 A.M.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board discussed a mileage reimbursement request submitted by Vendor ID No. 1785. No documents (Request for Leave or Approved Absence) have been filed to date with attachments to show travel time for mileage reimbursement request in order for the Board to approve out of County mileage reimbursement. According to the Boone County Time and Attendance System, said employee was clocked in and working in Boone County all day on the said days that the out of county mileage reimbursement request is for. Motion made by Temme, second by Rutten to partially reject Vendor ID No. 1785, the \$27.84 portion of mileage reimbursement and that the required documents be submitted by Vendor ID No. 1785 for time and attendance records. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed and discussed Payment Application No. 8 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete and electrical/plumbing system work. Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the change as stated above: General - \$46,037.04; Road/Weed - \$511,371.97; County Visitor's Promotion - \$962.60; 911 Emergency Management (2910) - \$483.40; 911 Wireless Services (2913) - \$513.66; Fair Building (4025) - \$87,849.70; and Ambulance - \$1,169.30. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of July 29, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Rasmussen, second by Temme to approve the following reports of the County Officials as presented for July, 2019:

- Clerk - \$59,764.50 (State of Nebraska - \$42,715.22/County of Boone - \$17,049.28)
- Clerk of the District Court - \$1,233.34 (State of Nebraska - \$506.00/County of Boone - \$727.34)
- Sheriff - \$1,441.57
- Planning and Zoning - \$100.75
- Treasurer – Misc. Receipt Nos. 17202-17261 - \$438,188.42; Total Collections - \$816,288.47.

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

The Boone County Board of Commissioners advertised for sealed bids the weeks of July 1 and July 8, 2019 for the property to be leased, specifically the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14, Original Town of Albion, Boone County, Nebraska, commonly known as BCDA, Inc. The Board received one sealed bid that was opened and approved on July 29, 2019. The Board received a Lease Agreement to review. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign a Lease Agreement between the County of Boone, Nebraska and BCDA, Inc. for the South 22 feet of the North 66 feet of Lots 5 and 6, Block 14 Original Town of Albion, Boone County Nebraska, for an initial five year term with renewal options. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Cornhusker Public Power District requested permission to bury an electrical cable across a county road commonly known as 220<sup>th</sup> Avenue running north and south between Section 1, Township 21 North, Range 7 West and Section 6, Township 21 North, Range 6 West, all of the 6<sup>th</sup> P.M., Boone County, Nebraska. The request is to bury an electrical cable across 220<sup>th</sup> Avenue, beginning on the west side of 220<sup>th</sup> Avenue; running thence east across 220<sup>th</sup> Avenue 146 feet to an existing power pole located in Section 6, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska for Craig Seier Farm Service. Motion made by Temme, second by Rutten to approve Resolution No. 2019-26, granting permission to Cornhusker Public Power District to bury an electrical cable across a county road known as 220<sup>th</sup> Avenue to an existing power pole located in Section 6, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to bore fiber optic cable in County Road right-of-way commonly known as 260<sup>th</sup> Street running east and west between Sections 21 and 28, Township 20 North, Range 6 West and Fairgrounds Road running north and south in Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The request is to bore fiber optic cable in County road right-of-way on the South side of 260<sup>th</sup> Street, beginning at the intersection of Fairview, Eleventh, and 260<sup>th</sup> Street; thence boring west to the intersection of 260<sup>th</sup> Street and Fairgrounds Road; thence boring South in the County Road right-of-way on the East side of Fairgrounds Road to a point of termination at the Boone County Communications Tower, all in Sections 21 and 28, Township 20 North Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2019-27, granting permission to Great Plains Communications, LLC to bore fiber optic cable in the County Road right-of-way on the south side of 260<sup>th</sup> Street and east side of Fairgrounds Road in Sections 21 and 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska terminating at the Boone County Communications Tower. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Barb Hanson, County Assessor, presented a contract for appraisal services from Stanard Appraisal Services, Inc. of Central City, Nebraska for the Board to review. The contract is for the appraisal review of all the Residential property in the Village of Petersburg and City of St. Edward in Boone County for assessment purposes and to provide the County with adequate data to achieve equalization for the properties. The



# Boone County Board Minutes



compensation to the company will be \$93,240.00 based on 518 Residential parcels at the rate of \$180.00 per parcel to be billed and paid in monthly payments. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Contract for Appraisal Services between the County of Boone and Stanard Appraisal Services, Inc. for the appraisal review of all the Residential property in the Village of Petersburg and City of St. Edward as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Barb Hanson, Assessor, appeared before the Board regarding a Contractor/Lister Agreement between the County of Boone, Nebraska and Larry Petsche for pickup work. Hanson advised the Board that she had consulted with the State regarding the contract and that the State advised that the contract be written to show Petsche as a Contractor/Lister. The term "Lister" was included inasmuch as a Contractor can assess values and Petsche does not do assessment of values. Hanson informed the Board that there is an increase to a few of the 2019-2020 Pickup Work Wage categories. Motion made by Rasmussen, second by Temme to approve and authorize the Board Chairman to sign the agreement as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Boone County Ambulance Service submitted one uncollectible ambulance account for the Board to review as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to write-off the following Ambulance service from the EMS Billing Services account of \$1,437.00 – March 15, 2018. The reason for insurance denial was that the patient was transferred twice in the same day. Motion made by Rasmussen, second by Temme to write-off the March 15, 2018 County Ambulance Service accounts balance of \$1,437.00 as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., submitted the Contractor's Application for the Final Payment No. 2 for A & R Construction Co. of Plainview, Nebraska for Bridge Project C-6(391), Albion East. The contracted project was approved in October 2018 for the removal of the existing bridge and construction of a concrete box culvert on 260<sup>th</sup> Street east of 330<sup>th</sup> Avenue. Motion made by Rasmussen, second by Rutten to approve the final payment number two from A & R Construction Co. for \$24,972.98 for Bridge Project C-6(391), Albion East as submitted. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., submitted a Certificate of Substantial Completion for the Bridge Project C-6(391), Albion East for the Board to review. The work to the Bridge Project C-6(391), Albion East has been inspected by authorized representatives of Owner, Contractor and Engineer and found to be substantially complete. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Certificate of Substantial Completion of the Bridge Project C-6(391), Albion East as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and the Board discussed repairs needed for Bridge #23940 on 290<sup>th</sup> Avenue and South of 170<sup>th</sup> Street. Water has washed behind the steel bridge wings and if there is continued washing that may cause the bridge to collapse. Extensions are needed on all four corners of the bridge. A verbal estimate was received from Ed Hoevet Excavating of Ord, Nebraska. The Board will take no action until a written estimate is received.

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



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- Scott Clausen, Cornhusker International Truck, Inc. of Norfolk, Nebraska, presented a state bid estimate for a new 2020 International Truck-Tractor for \$120,595.38. Clausen said that adding additional pusher and tag axles would be an additional cost. In addition, Clausen presented Lease Purchase options up to seven years with a 4.75% interest rate for the Board to review. Due to the presentation and discussion were not on the agenda, no action was taken by the Board.
- The Board and County Highway superintendent discussed several road/bridge/culvert areas that the Board has received public concerns on in the past weeks.

The Board reviewed 2019-2020 budget requests with the County Assessor, Clerk, Treasurer, County Court Clerk Magistrate and County Zoning Administrator. Any suggested budget line code changes will be reflected on the budget(s) submitted for the public hearing.

Mary Ziemba, County Zoning Administrator, reviewed and discussed meetings she is having with a Federal Emergency Management Agency (FEMA) representative, on financial assistance for the City of St. Edward.

## Public Comments:

- Mark Wegener expressed concerns of road/culvert conditions at 330<sup>th</sup> Avenue/290<sup>th</sup> Street area.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting and a meeting with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.

Chairman Rasmussen declared the meeting adjourned at 2:20 P.M., with the next Board meeting scheduled for Monday, August 19, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 19, 2019

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 19, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of August 12, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board of Equalization Proceedings of August 12, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. Rae Valley Heritage Association, Inc. of Petersburg requested assistance to advertise the Nebraska State Antique, Tractor and Horse Plowing Bee event scheduled for August 23, 24 and 25, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Nebraska State Antique, Tractor and Horse Plowing Bee from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

David Figgner discussed his concerns with the Board of a driveway/approach that has been installed in a county road right-of-way. The installed driveway/approach by the landowner is off of the county road known as 140<sup>th</sup> Avenue south of 255<sup>th</sup> Street. Figgner said that the driveway/approach is located at the bottom of a hill and if a truck is pulling out of the field onto the County road, there is not enough distance from the hilltop to the location of the driveway/approach to allow for someone to stop safely. Figgner expressed liability and safety concerns. Figgner asked the Board members to each physically view the road area of concern and he felt there is other options for the landowner to ingress/egress his property without installing a non-approved driveway/approach at the bottom of a hill. Figgner informed the Board that this is not the first year that the non-approved driveway/approach has been an issue or addressed. The Board and County Highway Superintendent plan to physically view said road and the driveway/approach concerns. Motion made by Rasmussen, second by Temme to authorize the County Highway Superintendent to send a letter to Leo (Lee) Diessner in regard to the removal of the non-approved driveway/approach located in the county road right-of-way due to liability and safety issues. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board, Tanya Sharp, President/CEO Boone County Health Center, Joel VanderVeen, Kutak Rock, LLP legal counsel representative, and Don Casper and Ken Schmitz, Boone County Health Center Board of Trustees representatives, discussed a proposed resolution to secure a construction loan for the improvement and addition to Boone County Health Center (BCHC). Sharp and the Board reviewed the proposed new construction area documents. The proposed new addition to BCHC will be adjacent to and located to the south of the present BCHC clinic structure.





# Boone County Board Minutes



Joel VanderVeen, Kutak Rock, LLP legal counsel representative, reviewed the resolution draft and County Hospital Statutes §23-3501 – §23-3527 with the Board. It has been determined that of the medical facilities state statutes, the Boone County Health Center (BCHC) structure falls within the County Hospital Statutes. The County Board of Commissioners shall appoint a board of trustees and approve certain actions of the BCHC board of trustees. The statutes further set out the powers, duties and responsibilities of the board of trustees. VanderVeen informed the Board that he has been in contact with the Boone County Attorney, John Morgan, regarding a resolution for construction loan and permanent financing. In regard to the BCHC construction and permanent financing with a USDA loan, the BCHC plans to secure a loan with pledged net or gross revenues of the BCHC facilities. Presently the real estate of the BCHC facilities are deeded to the County of Boone, Nebraska. In order to secure a USDA loan (Deed of Trust) the real estate of record should read Boone County Health Center. The Board suggested for VanderVeen and the Boone County Attorney to discuss the legal procedure regarding the possible real estate transfer(s) from County of Boone, Nebraska to the Boone County Health Center for the financing of the improvements and addition to BCHC. The County Hospital statutes determine BCHC a separate legal entity from the County of Boone. The BCHC is not merely an agency of the County, but is a separate and independent political subdivision. Motion made by Temme, second by Rutten to table the resolution document until further information is received. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Ambulance Service submitted an uncollectible ambulance account for the Board to review as all methods of collection have been exhausted. The recommendation from the Boone County Ambulance Service liaison is to remove the following Ambulance service from the EMS Billing Services account of \$262.75 – October 6, 2018 for purposes of bookkeeping and turn the account over to the County Attorney to attempt further collection. Motion made by Temme, second by Rutten to turn the October 6, 2018 County Ambulance Service account balance of \$262.75 over to the County Attorney for further collection. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received letters regarding a tax resolution and the mowing of county property for their review. The Tax Express letter referred to supporting the petition drive by True Nebraskans. The mowing letter referred to offering to mow and control weeds on County property for a weekly fee. The County has taken care of the mowing and weed control on said County property. The letters from Tax Express were not signed. Motion made by Rasmussen, second by Rutten to take no action to support the True Nebraskans petition drive and the County is/will take care of the mowing/weed control on County property. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. The non-availability of aggregate/gravel and the status of road conditions were discussed.

Stacey Ziemba, County Highway Superintendent, presented quotes for the Board to review to repair Bridge #23940 on 290<sup>th</sup> Avenue and South of 170<sup>th</sup> Street. Water has washed behind the steel bridge wings and if there is continued washing that may cause the bridge to collapse. Extensions are needed on all four corners of the bridge. The quote for material cost is \$16,930.00 from Midwest Service and Sales Co. and the quote for erection cost is \$14,000.00 from Ed Hoebet Excavating. Motion made by Rutten, second by Rasmussen to approve the quote of \$30,930.00 (Material-\$16,930.00; Erection-\$14,000.00) to add 4 wings to the steel and concrete bridge along with abutment, wing walers and tie rods for repair of Bridge #23940 on 290<sup>th</sup> Avenue as presented. Roll call Vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



The County Highway Superintendent and the Board discussed the information they received and reviewed at their Board meeting on August 12, 2019, regarding vehicle specifications and state bid estimate for a new 2020 International Truck-Tractor from Scott Clausen, Cornhusker International Truck, Inc. of Norfolk, Nebraska. The Board asked the Highway Superintendent to obtain state bid quotes for two new International Truck-Tractors with the additional pusher and tag axles and to obtain quotes for one new gravel trailer for the Board to review at their next Board meeting.

The Board reviewed 2019-2020 budget requests with the County Highway Superintendent and UNL Extension Educator. The Board reviewed and discussed various 2019-2020 budgets and requirements. Any suggested budget line code changes will be reflected on the budget(s) submitted for the public hearing.

The Board plans to review and visit with various offices regarding their office inventories prior to Monday, August 26, 2019.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – August 19, 2019; Northeast Nebraska Area Agency on Aging – August 20, 2019; Northeast Nebraska Juvenile Services, Inc. – August 23, 2019.
- Commissioner Temme updated the Board regarding the Region IV, Inc./NorthStar Services meeting.
- Leo (Lee) and Tammy Diessner expressed concerns of the county road known as 140<sup>th</sup> Avenue south of 255<sup>th</sup> Street. Diessner explained to the Board as to why he installed a non-approved driveway at the bottom of a hill on 140<sup>th</sup> Avenue during certain times of the year for trucks to ingress/egress from his property. Diessner said he understands the safety and liability issues and is willing to work with the County in regard to the said area road issues.

Chairman Rasmussen declared the meeting adjourned at 1:08 P.M., with the next Board meeting scheduled for Monday, August 26, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
AUGUST 26, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Monday, August 26, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Larry Temme, Ben Rutten and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of July 22, 2019 through August 21, 2019. Motion made by Rasmussen, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$101,180.38, BCBS \$49,577.04, Ameritas Ret \$6,931.09, EFTPS \$7,561.31, LTD Premiums \$18.16, Section 125 Fees \$10.00, Wellness Program \$94.20; Road \$67,326.55, BCBS \$31,578.68, Ameritas Ret \$4,458.00, EFTPS \$5,088.57; Ambulance \$2,160.00, Ameritas Ret \$46.52, EFTPS \$165.25; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of August 19, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Pursuant to State Statute Section 23-347, within two calendar months after the close of each fiscal year, each county officer shall make, acknowledge under oath, and file with the County Board, of his or her county, an inventory statement of all county personal property in the custody and possession of said county officer. The County Board in each county shall examine into each inventory statement so filed, and, if said statement is correct and proper in every particular, the County Board shall deliver each of said inventory statements to the clerk of the county for filing as a public record in said county clerk's office in a manner convenient for reference. Motion made by Rasmussen, second by Rutten to approve the County Offices' 2018-2019 Inventories of county personal and real estate property as presented from the various offices and file the submitted inventories with the County Clerk's office as a public record in a manner convenient for reference. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Michelle Olson, BCDA, Inc. Executive Director, appeared before the Board regarding the Membership Agreement and Disbursement Agreement for fiscal year 2019-2020. Olson presented and reviewed a 2018-2019 BCDA RECAP report with the Board. Olson highlighted the areas of Boone County promotion, youth recruitment/retention, grants awarded and projects. The County of Boone, Nebraska financial contribution to BCDA, Inc. for 2018-2019 was \$109,000.00. The financial request from BCDA, Inc. for 2019-2020 is \$109,000.00. The BCDA, Inc. 2018-2019 budget was \$154,050.00 and the 2019-2020 budget request is \$154,050.00.

Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Membership Agreement for fiscal year 2019-2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve and authorize the Board Chairman to sign the Disbursement Agreement for fiscal year 2019-2020 committing a sum of \$109,000.00 payable to BCDA, Inc.



# Boone County Board Minutes



from the County Inheritance Tax Fund payable in two payments as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Richard Martinsen, CPA, Schmeits, Mueller & Martinsen, P. C., met with the Board to discuss the proposed fiscal year 2019-2020 County Budget. The proposed property tax request is \$4,262,835.00, which is an increase from the 2018-2019 property tax request of \$3,679,011.00. The proposed 2019 county tax rate is 0.176883, which is different from the 2018 county tax rate of 0.153638. Martinsen provided answers to questions asked with regard to the proposed budget. The proposed property tax increase request is primarily in the County Road Fund. A five million dollar (3700) Highway Allocation Bond Repay Fund is being set up with funds for road/bridge infrastructure repair due to the adverse weather conditions since March of 2019. A five million dollar bond would yield approximately 4.8 million dollars in funding to the County that can be repaid over seven years with an early payout option when/if FEMA funds are received. The County pays the total cost of all the infrastructure repairs from storm damages and are not to expect any reimbursement for five to eight years from FEMA. A portion of the Road Fund Highway Allocation revenue that is received each year will be designated to pay that said fiscal year bond/interest payments. In addition to said bonds, two million dollars of the County Inheritance Tax Fund has been designated for aggregate/gravel materials and asphalt/concrete road repairs. The Interlocal Agreement Report (LB 51) (2017) is to be filed with the State Auditor's office on or before September 20<sup>th</sup> and impacts the county budget hearing, audits and contracts. The County total taxable value for tax year 2018 was \$2,394,598,707.00 and taxable value for tax year 2019 is \$2,409,978,807.00. Motion made by Temme, second by Rutten to accept the proposed budget requests and set the County of Boone, Nebraska budget hearing for 11:00 A.M. on Monday, September 16, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On or before August 1<sup>st</sup>, all political subdivisions subject to county levy authority shall submit a preliminary request for levy allocation to the County Board. The preliminary request shall be in the form of a resolution. The Nebraska State Statutes provides that each County Board shall adopt a resolution which determines a final allocation of levy authority and forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions by September 1<sup>st</sup>. The Boone County Board of Commissioners received levy allocation requests from various political subdivisions for the 2019-2020 fiscal year. Motion made by Rasmussen, second by Temme to approve Resolution No. 2019-28, authorizing the levy allocation requests for the 2019-2020 fiscal year for the Albion, Cedar Rapids, Petersburg, Primrose and St. Edward Rural Fire Districts, Boone County Agricultural Society, Inc. and Boone County Historical Society, Inc. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board allowed smaller surplus county office equipment/furniture that is valued under \$100.00 to be tagged for sale in the hallway of the courthouse in September 2018. The Board discussed disposal of smaller county office equipment/furniture that is in storage or no longer in use by the county offices. Motion made by Rasmussen, second by Rutten to allow smaller surplus county office equipment/furniture that is valued under \$100.00 to be tagged for sale by said office with tags identifying the office selling and dollar amount, all payable to the County Treasurer, in the hallway of the courthouse from September 9 through 13, 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Scott Clausen, Cornhusker International Truck, Inc. of Norfolk, Nebraska presented information for the Board to review on August 12, 2019 regarding 2020 International Truck-tractors. On August 19, 2019 the Board asked the Highway Superintendent to obtain state bid quotes for two new International Truck-tractors with the addition of installation of steerable pusher tag axles. Clausen answered questions from the Board and explained the warranty included and available optional warranties. Clausen pointed out that the County may choose the paint color and delivery may be possible by the end of October. The factory list price is \$261,308.07 and the state bid government price is \$130,993.34. Motion made by Rutten, second by Rasmussen to approve the





# Boone County Board Minutes



purchase of two state bid 2020 International Truck-tractors for \$130,993.34 each, with no trade-in and authorize the Board Chairman to sign the quote as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

No action was taken by the Board regarding the purchase of a new gravel trailer, due to no quotes were presented by the County Highway Superintendent.

The County Highway Superintendent prepared a Non-Exclusive Contract for Services in January 2019 for use by interested truckers to back-haul aggregate for the County. The contracts are for the year 2019 with the contractor compensation being \$7.00 per ton for road gravel 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 Kenneth Shotkoski, North Star Trucking, LLC of Fullerton, NE and Andrew J. Shotkoski of Shotkoski Enterprises, LLC of Palmer, NE. Motion made by Temme, second by Rasmussen to authorize the Board Chairman to sign the Non-Exclusive Contracts for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, informed the Board that she interviewed applicants for the advertised full-time road employee position. The road employee that was hired as a seasonal employee from May 16, 2019 to August 21, 2019, is the applicant offered the full-time position. Ziemba informed the Board that Matthew D. Klug of Meadow Grove, Nebraska began full-time on August 22, 2019. No action was taken by the Board.

Mark McGuire, Bob Diessner, John McGuire, Bob Leslie, Katie Diessner and Mike Dugan met with the Board and County Highway Superintendent, to express their concerns regarding road condition(s) on Boone-Greeley county line road known as 100<sup>th</sup> Avenue. The main concern today, with the harvest season approaching, is repair of the portion of 100<sup>th</sup> Avenue south of State Highway 91 to the T intersection. The group present said that many years ago a land owner built a berm/dike along the east side of the county road and drainage is impacting the condition of the County road. The County Highway Superintendent clarified that the portion of road in question is classified as a local road not a minimum maintenance road. The group held a lengthy discussion regarding the Boone-Greeley county line road area and condition(s) of the road in need of repair. The County Highway Superintendent and Brian McDonald, JEO Consulting Group, Inc. plan to meet with Mark McGuire, Bob Diessner and Katie Diessner at the site to review and discuss the road conditions, road repair and what may possibly be changed in regard to the berm/dike and water flow.

On August 19, 2019, Joel VanderVeen, Kutak Rock, LLP legal counsel representative for Boone County Health Center (BCHC), reviewed a resolution draft and County Hospital Statutes §23-3501 – §23-3527 with the Board. VanderVeen has been in contact by telephone with John Morgan, Boone County Attorney, regarding a resolution document for construction loan and permanent financing. The BCHC plans to secure a loan with pledged net or gross revenues of the BCHC facilities with a USDA loan. Presently the real estate of the BCHC facilities are deeded to the County of Boone, Nebraska. In order to secure a USDA loan (Deed of Trust) the real estate of record should read Boone County Health Center. The BCHC Board of Trustees proposes to issue a debt obligation not to exceed \$30,000,000.00 for the expansion and improvement of the BCHC facilities. The BCHC Board of Trustees need approval of the County Board of Commissioners to proceed with said expansion and improvement projects according to state statute. Within the proposed resolution there is a statement that the construction loan and the permanent financing will not constitute a debt or obligation of the County of Boone,



# Boone County Board Minutes



Nebraska. Morgan was present at the Board meeting and informed the Board that he reviewed the resolution and suggested that the Board approve the resolution in order for BCHC to move forward.

Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign Resolution No. 2019-29, Boone County Board of Commissioners desire to grant approval for the construction loan and permanent financing by the Boone County Health Center Board of Trustees, not to exceed \$30,000,000.00 for expansion and improvements of the Boone County Health Center facilities, and the construction loan and the permanent financing will not constitute a debt or obligation of the County of Boone, Nebraska. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

On August 19, 2019, the Board and Boone County Health Center (BCHC) representatives discussed the procedure regarding the possible real estate transfer(s) from County of Boone, Nebraska to the Boone County Health Center. It has been determined that of the medical facilities state statutes, the Boone County Health Center (BCHC) structure falls within the County Hospital Statutes §23-3501 – §23-3527. The County Board of Commissioners shall appoint a board of trustees and approve certain actions of the BCHC board of trustees. The statutes further set out the powers, duties and responsibilities of the board of trustees. In regard to the BCHC construction and permanent financing with a USDA loan, the BCHC plans to secure a loan with pledged net or gross revenues of the BCHC facilities. John Morgan, Boone County Attorney, and Joel VanderVeen, Kutak Rock, LLP legal counsel representative for Boone County Health Center, have discussed the legal procedure regarding the possible real estate transfer(s) from County of Boone, Nebraska to the Boone County Health Center for the financing of the improvements and addition to BCHC. Morgan was present at the Board meeting and informed the Board that LB525 that was approved by the Governor on May 29, 2019 and will take effect on September 1, 2019, regarding the transfer of real estate ownership between governmental entities. Morgan suggested that the Board table the transfer of the real estate to the Boone County Health Center to the September 9, 2019 Board meeting. Motion made by Temme, second by Rutten to table the transfer of real estate from the County of Boone, Nebraska to the Boone County Health Center to the September 9, 2019 Board meeting. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Health Center – August 27, 2019.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioner Rutten informed the Board that the Northeast Nebraska Juvenile Services, Inc. meeting scheduled for August 23, 2019 was cancelled.
- The Board and County Highway Superintendent discussed the status of road repair issues.

Chairman Rasmussen declared the meeting adjourned at 12:45 P.M., with the next Board meeting scheduled for Monday, September 9, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
SEPTEMBER 9, 2019  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 9, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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 discussed a mileage reimbursement request submitted by Vendor ID No. 1507. The department head did not sign the claim as submitted for approval. The department head asked that the mileage reimbursement claim not be approved today in order to allow the department head time to discuss the mileage reimbursement with the claimant. Motion made by Rutten, second by Rasmussen to reject Vendor ID No. 1507, the mileage reimbursement of \$103.74, to allow the department head time to discuss the request with the claimant. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the change as stated above: General - \$17,449.35; Road/Weed - \$345,961.25; Road/Bridge Buyback Program (0650) - \$14,000.00; County Visitor's Promotion - \$851.18; Inheritance Tax (2700) - \$54,500.00; 911 Emergency Management (2910) - \$476.20; 911 Wireless Service (2913) - \$490.86; and Ambulance - \$1,689.21. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of August 26, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the following reports of the County Officials as presented for August, 2019:

- Clerk - \$12,710.25 (State of Nebraska - \$7,192.71/County of Boone - \$5,517.54)
- Clerk of the District Court - \$943.93 (State of Nebraska - \$540.00/County of Boone - \$403.93)
- Sheriff - \$3,679.16
- Treasurer – Misc. Receipt Nos. 17262-17326 - \$462,163.03; Total Collections - \$5,050,965.73.

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

Randall Bruland, Boone County Ambulance Administrator, and the Board discussed the purchase of an IV Pump for the Boone County Ambulance unit. Bruland informed the Board that there is no IV Pump in the County Ambulance unit. The IV Pump(s) in use are with the patient that are being transferred from the Boone County Health Center to another hospital facility. Bruland informed the Board that the Boone County Health Center is placing an order for new IV Pumps and that the County may order an IV Pump at the same time and receive the discounted rate. Motion made by Temme, second by Rutten to authorize Randall Bruland to order an IV Pump for the Boone County Ambulance with the Boone County Health Center order for approximately \$2,300.00-\$2,500.00. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Board and Randall Bruland, Boone County Ambulance Administrator, discussed the possibility of a Mutual Aid Assistance Agreement with area fire and rescue departments in regard to ambulance services. The Boone County Ambulance is licensed as an Advanced Service unit and is primarily used as a Transport Service from hospital/care facility to another hospital/care facility upon doctor's orders. The Boone County Ambulance Service would provide mutual aid to those squads that would participate in the agreement in the event of a catastrophic event involving multiple injuries. It would be understood that mutual aid would be rendered first by the surrounding fire and rescue squads with the Boone County Ambulance Service being called last. Motion made by Rasmussen, second by Temme to have the Boone County Attorney prepare a letter, with the letter being reviewed by the Board first, and then to be mailed to the area fire and rescue departments in a thirty mile radius of Boone County to find out if there is any interest in entering into a Mutual Aid Assistance Agreement. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board reviewed the 2019-2020 budget request with the Boone County Veteran Service Officer. The Board and Veteran Service Officer discussed the hours worked for an As-Needed Employee as defined in the County Employee Handbook. As-Needed Employee is an employee who is employed on an "as-needed" basis for a nonspecific period and not regularly scheduled to work. The Board felt that the As-Needed employee would cover the office on the days when the Veteran Service Officer is not available.

The Board and Boone County Veteran Service Officer discussed the Interlocal Agreement with County of Greeley, Nebraska to provide for the cooperative provision of services to veterans in the respective counties. The Interlocal Agreement duration and budget areas were discussed. The compensation from Greeley County to cover the one day a week salary and mileage for the Boone County Veteran Service Officer services has not changed since April 2015. It appears that the compensation from Greeley County in 2018 did not cover the calendar year one day a week expenses. Commissioner Rutten plans to attend a Greeley County Board of Commissioners meeting to discuss the Interlocal Agreement services and compensation.

Andrew Forney, Vice President of D.A. Davidson & Co., presented an Engagement Letter for the Board to review. The Engagement Letter are disclosures by D.A. Davidson & Co. as Underwriter pursuant to MSRB Rules G-17 and G-23 for Highway Allocation Fund Pledge Bonds, Series 2019. Forney answered questions and explained that D.A. Davidson intends to serve as underwriter and not as a financial advisor. The Board asked Forney if the sale of the bonds could be offered locally first in order to try to keep the funds in the county and early repayment if/when FEMA funds are received. Forney said that priority in bond allocation will first be given locally and early repayment can be after two years. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Engagement Letter with D.A. Davidson & Co. as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Andrew Forney, Vice President of D.A. Davidson & Co. presented a resolution for the Board to review. The resolution was prepared by, Michael Rogers, Gilmore & Bell, P. C., authorizing the issuance of Limited Tax County Road Bonds, Series 2019, of the County of Boone, Nebraska in the aggregate stated principal amount of, not to exceed, \$5,000,000.00 to construct and re-construct certain road improvements. The road improvements include road surfaces, subgrades, bridges and other related components within the County related to the extreme adverse weather and flooding experienced since March 2019. Forney explained that the issuance of the seven year bonds may be repaid early after two years, if/when FEMA funds are received, with a final payment in December 2026. Motion made by Rasmussen, second by Temme to approve Resolution No. 2019-30, authorizing the issuance of Limited Tax County Road Bonds, Series 2019, (Highway Allocation Fund Pledge Bonds) of the County of Boone, Nebraska in the aggregate principal amount of, not to exceed, \$5,000,000.00 to construct and re-construct certain road improvements. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.





# Boone County Board Minutes



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

- FEMA representatives inspected four bridges on August 28, 2019 in regard to the damages received during the March 2019 flooding.
- The Board and County Highway superintendent discussed several road/bridge/culvert areas that the Board has received public concerns on in the past weeks.

Tanya Sharp, Boone County Health Center President & CEO, and Rita Liss, Boone County Health Center CFO, presented the Boone County Health Center statement of operations budget for their fiscal year October 1, 2019 through September 30, 2020 to the Board. Sharp and Liss reviewed the budget with the Board and explained that areas of the anticipated operating revenue of \$34,109,120.00, with expenses of \$33,405,343.00, leaving an increase in net position of \$1,036,572.00. Motion made by Rutten, second by Temme to accept the Boone County Health Center 2019-2020 operations budget as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

On August 26, 2019, John Morgan, Boone County Attorney, was present at the Board meeting and informed the Board that LB525, regarding the transfer of real estate ownership between governmental entities, was approved by the Governor on May 29, 2019 and will take effect on September 1, 2019. Morgan suggested that the Board table the transfer of the real estate to the Boone County Health Center until the September 9, 2019 Board meeting. The county board shall print and publish in a legal county newspaper a notice stating the legal description(s) and address(s) of the real estate at least thirty days prior to the transfer. Motion made by Temme, second by Rasmussen to publish in the Albion News, a weekly newspaper on Wednesday, September 11, 2019, a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the Boone County Health Center as hereto attached to the proceedings. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Tina Landauer, Commander of Boone County American Legion, updated the Board of the scheduled activities planned for the 2019 American Legion County Government Day program. Landauer informed the Board that the dates being considered are October 23 or 30, 2019 and that a Boone County American Legion meeting is scheduled for September 15, 2019 to set a date for the 2019 County Government Day.

## Public Comments:

- Meetings: BCDA, Inc. – September 10, 2019; Northeast Nebraska Area Agency on Aging – September 19, 2019; Region IV Behavioral Health System – September 19, 2019; Northeast NACO Fall Workshop – September 20, 2019.
- Lynn Kaufmann expressed concerns of road/culvert conditions at 320<sup>th</sup> Avenue, south of 350<sup>th</sup> Street area.
- Commissioner Temme updated the Board regarding a meeting with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.
- Commissioner Rutten updated the Board regarding the Boone County Health Center meeting.
- Denny Johnson, Sheriff, updated the Board regarding sheriff/law enforcement activities.

Chairman Rasmussen declared the meeting adjourned at 1:41 P.M., with the next Board meeting scheduled for Monday, September 16, 2019.



# Boone County Board Minutes



Kathy Thorberg,  
Boone County Clerk

## NOTICE OF INTENT TO TRANSFER REAL ESTATE

Notice is hereby given by the Boone County Board of Commissioners of its intent to transfer real estate owned by the county to another political subdivision. Pursuant to Nebraska State Statute §23-107.01(2), a county board may, by majority vote, sell real estate owned by the county in fee simple to another political subdivision in fee simple in such manner and upon such terms and conditions as may be deemed in the best interest of the county. The County of Boone, Nebraska, a political subdivision in and for the State of Nebraska, intends to transfer the following described real estate to the Boone County Health Center, a political subdivision and a county hospital organized pursuant to Nebraska law.

Addresses collective known as: 723 West Fairview, Albion, Nebraska:

All of Lots 9 and 10, Block 1, Fairview Addition to the City of Albion, Boone County, Nebraska.

All of Lots 5, 6, 7, 8, 9 and 10, Block 1, South Fairview Addition to the City of Albion, Boone County, Nebraska.

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 2, South Fairview Addition to the City of Albion, Boone County, Nebraska.

All of Lots 1, 2, 9 and 10, Block 5, South Fairview Addition to the City of Albion, Boone County, Nebraska.

All of Lots 1, 9 and 10, Block 6, South Fairview Addition to the City of Albion, Boone County, Nebraska.

All of Lots 3 and 4, Block 52, First Addition to the Village of Spalding, Greeley County, Nebraska. Address: 131 East Sullivan Street, Spalding, Nebraska.

Lot 1, Except the East 80 feet of the South 1 foot thereof, and all of Lot 2, Block 4, City of Elgin, Antelope County, Nebraska. Address: 116 North 2<sup>nd</sup> Street, Elgin, NE.

All of Lots 16, 17 and 18, Block 6, Fuller & Slaughter's Addition to Fullerton, Nance County, Nebraska. Address: 405 Broadway Street, Fullerton, NE.

Boone County Board  
of Commissioners



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 16, 2019

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 16, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of September 9, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff/Jail office employee. Motion made by Temme, second by Rutten to accept and approve the resignation of Dalanie Welch effective September 18, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Denny Johnson, County Sheriff, updated the Board in regard to the Boone/Nance County 911 Communications merger, law enforcement activity and that Adam Schmidt, Motorola Solutions, Inc. Nebraska sales area representative, plans to attend the September 25, 2019 Board meeting to continue the discussion of new radio equipment and a statewide core system needed to become a part of the Nebraska Statewide Radio System (SRS).

Jacqueline Wells, Veteran Service Officer, has registered to attend the annual Nebraska County Veteran Service Officers Association schooling September 18-20, 2019 in Kearney, Nebraska. The Board received information that the Burt/Thurston County Veteran Service Officer may carpool with the Boone County Veterans Service Officer to Kearney, Nebraska. Motion made by Temme, second by Rutten to approve the Burt/Thurston County Veteran Service Officer to occupy the Boone County vehicle that is being used for transportation to Kearney, Nebraska for said schooling that is scheduled for September 18-20, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Boone County Highway Superintendent updated the Board regarding equipment repair/replacement, road/bridge maintenance, materials and projects. In addition, the following topics were discussed:

- The Board and County Highway superintendent discussed several road/bridge/culvert areas that the Board has received public concerns on in the past weeks.
- The Board and County Highway Superintendent discussed the concerns of road/culvert conditions at 320<sup>th</sup> Avenue, south of 350<sup>th</sup> Street area that Lynn Kaufmann of Lincoln, NE discussed with the Board last week. Kaufmann is the landowner of SE1/4 of 10-18-5 and the road records indicate that a portion of 320<sup>th</sup> Avenue was vacated in 1989. Usually when a road is vacated each half reverts to the adjacent landowner. The County Surveyor has been contacted to survey the area and mark where the vacated road area on 320<sup>th</sup> Avenue starts that ends at the Boone/Nance County line.



# Boone County Board Minutes



Gary Seier requested permission to bore an electrical cable under a county road commonly known as 310<sup>th</sup> Avenue running north and south between the NE1/4 of Section 21 and the NW1/4 of Section 22, all in Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The request is to bore an electrical cable for irrigation purposes, converting existing well from diesel to electric, under 310<sup>th</sup> Avenue, commencing from a well located in the NW1/4 of Section 22; thence running west to an electrical pole (Cornhusker Public Power) located on the west side of 310<sup>th</sup> Avenue in the County road right-of-way, all in Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Temme, second by Rasmussen to approve Resolution No. 2019-33, granting permission to Gary Seier to bore an electrical cable from an existing well located in the NW1/4 of Section 22; thence running west to an electrical pole located on the west side of 310<sup>th</sup> Avenue in the County road right-of-way, all in Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Mary Ziemba, County Zoning Administrator, updated the Board in regard to the City of St. Edward FEMA flood damage activity/reports and daily Zoning office activity.

The 2019-2020 County Budget public hearing for the County of Boone, Nebraska was held at 11:00 A.M. on September 16, 2019. Motion made by Temme, second by Rasmussen to approve exceeding the 2.5% lid limitation on restricted funds by an additional 1% budget authority growth for fiscal year 2019-2020. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The County Budget Act (State Statute Section 23-904) requires a budget message to be completed by the budget making authority outlining the fiscal policy for the budget period. The budget message must include a list of all cash amounts being held by officials that do not appear in the County Treasurer's Office six month balance reports. The Board has approved and authorized accounts within County Offices to receive and disburse fees, etc. Some of the accounts balance to zero and some accounts have a beginning balance. Motion made by Rutten, second by Temme to approve Resolution No. 2019-31, authorizing the accounts within County Offices as stated in the resolution. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the County of Boone passes by a majority vote a resolution setting the tax request at a different amount. The Governing Body of the County of Boone, by a majority vote by the Boone County Board of Commissioners, resolves that: the 2019-2020 property tax request be set at \$4,262,835.00, which is different from the 2018-2019 property tax request of \$3,679,011.00; and the 2019 county tax rate is at 0.176883, which is different from the 2018 tax rate of 0.153638. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2019-32 at the September 16, 2019 public hearing to adopt and approve the County Budget for 2019-2020 as published and presented with the above property tax requests. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to set a Board of Equalization meeting to be held on Tuesday, October 15, 2019 at 11:00 A.M. to set the 2019 tax year levies. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.





# Boone County Board Minutes



## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – September 16, 2019; Northeast Nebraska Area Agency on Aging – September 19, 2019; Region IV Behavioral Health System – September 19, 2019; Northeast NACO Fall Workshop – September 20, 2019; Northeast Nebraska Juvenile Services, Inc. – September 27, 2019.
- Commissioner Rutten updated the Board regarding the proposed changes to be discussed at the Northeast Nebraska Juvenile Services, Inc. meeting scheduled for September 27, 2019.

Chairman Rasmussen declared the meeting adjourned at 12:10 P.M., with the next Board meeting scheduled for Wednesday, September 25, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **PUBLIC HEARING PROCEEDINGS 2019-2020 COUNTY BUDGET**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 16, 2019 at 11:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rutten to open said public hearing. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Commissioners present for said public hearing were Larry Temme, Ben Rutten and Alan Rasmussen. Chairman Rasmussen read the notice for the record. Richard Martinsen, CPA, for Schmeits, Mueller & Martinsen, P.C., was present to answer budget questions. Jordan Mueller, CPA, for Schmeits, Mueller & Martinsen, P.C. and Jim Dickerson, Albion News, were present for the budget hearing.

The public hearing was for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the 2019-2020 Boone County proposed budget in compliance with the provisions of State Statute Sections 13-501 to 13-513. Also, to set the final tax request for the 2019-2020 Boone County proposed budget at a different amount than the prior year tax request in compliance with the provisions of State Statute Section 77-1601.02. The hearing was open for one hour and the proposed budget was published in the Wednesday, September 4, 2019 issue of the Albion News, Albion, Nebraska.

The County Board and those present for the hearing discussed with Martinsen the differences from last year's fiscal budget in the areas of asking dollars, land valuation, tax rate, property tax requirement and fund balances. Martinsen provided answers to questions asked with regard to the proposed budget and publication. The proposed property tax request for 2019-2020 is \$4,262,835.00, which is different from the 2018-2019 property tax request of \$3,679,011.00, being an increase of \$583,824.00 from prior fiscal year. The proposed tax rate for 2019 of 0.176883 is higher than the 2018 tax rate of 0.153638. The Governing Body of the County of Boone by a Board majority approval may exceed the 2.5% lid limitation by an additional 1% budget authority growth. The levy authority of 50 cents includes the County levy and all the entities such as Agricultural/Historical Societies, Fire Districts, etc. added together. The 2019 County valuation is \$2,409,978,807.00 compared to the 2018 valuation of \$2,394,598,707.00 an increase of \$15,380,100.00. The overall County taxable value increased primarily due to the re-valuations of approximately 400 Acreage properties and 98 Rural Residential properties.

The adopted 2019-2020 County Budget has a tax request expense increase from the 2018-2019 County Budget. The County of Boone, Nebraska financial contribution to the BCDA, Inc. is from the County Inheritance Tax Fund. The proposed property tax increase request is primarily in the County Road Fund. A five million dollar (3700) Highway Allocation Bond Repay Fund is being set up with funds for road/bridge infrastructure repair due to the adverse weather conditions since March of 2019. A five million dollar bond would yield approximately 4.8 million dollars in funding to the County that can be repaid over seven years with an early payout option when/if FEMA funds are received. The County pays the total cost of all the infrastructure repairs from storm damages and are not to expect any reimbursement for five to eight years from FEMA. A portion of the Road Fund Highway Allocation revenue that is received each year will be designated to pay that said fiscal year bond/interest payments. In addition to said bonds, two million dollars of the County Inheritance Tax Fund has been designated for aggregate/gravel materials and asphalt/concrete road repairs.

Motion made by Rutten, second by Temme to close said public hearing at 12:01 P.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



Discussion: The county tax rate will be 0.176883. If it were not for the use of inheritance tax dollars, the county rate would be increased in order to maintain the current level of services that are both mandated under state law and that our county taxpayers deserve and expect.

Martinsen explained that Inheritance Tax funding is considered a local tax. Inheritance Tax funds stay in the respective county and benefit the respective county taxpayers with a lower property tax rate. If the legislature removes the Inheritance Tax funding, then the state and federal levels will receive the taxes generated from “Inheritance” and the local county level will need to increase their property tax rate to maintain mandated services.

Motion made by Rasmussen, second by Rutten to approve and adopt the County Budget for 2019-2020 as published and presented with an Unused Budget Authority created for next year of \$49,090.47; and set the 2019 County Tax Rate at 0.176883, which is different than the County Tax Rate of 0.153638 for 2018. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve exceeding the 2.5% lid limitation on restricted funds by an additional 1% budget authority growth for fiscal year 2019-2020. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board expressed their appreciation to Martinsen for his assistance with the County Budget preparation throughout the years.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
SEPTEMBER 25, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Wednesday, September 25, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Larry Temme, Ben Rutten and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of August 22, 2019 through September 21, 2019. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$101,684.43, BCBS \$49,577.04, Ameritas Ret \$6,957.14, EFTPS \$7,599.26, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$94.20; Road \$65,713.40, BCBS \$33,426.40, Ameritas Ret \$4,435.65, EFTPS \$4,963.58; Ambulance \$3,454.45, Ameritas Ret \$78.41, EFTPS \$264.26; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of September 16, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Budget Public Hearing Proceedings of September 16, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a request for approval to pay the first bond principal and interest payment for the new fairgrounds building Limited Tax County Building Bonds, Series 2018. Motion made by Temme, second by Rutten to approve and authorize Laurie Krohn, County Treasurer, to pay the first bond principal amount of \$135,000.00 and interest of \$56,398.13 to Chase NYC for the new fairgrounds building Limited Tax County Building Bonds, Series 2018 as requested. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Assessor's office employee. Motion made by Rutten, second by Rasmussen to accept and approve the resignation of Antoinette (Mikki) Mangus effective October 4, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board received a change order to review for consideration for the new livestock building project for the Boone County Fairgrounds. The original project quote was \$2,966,035.00 from Rathman Manning Construction. Construction Change Orders #1 and #2 were reviewed and discussed on December 10, 2018 when the Board approved Change Order #2 for \$38,680.00 and part of Change Order #1 for \$16,281.00. The project construction amount was then \$3,020,996.00. The change order being reviewed today is for \$6,034.60 to change the Fire Sprinkler main piping from a 4" line to a 6" line per on-site Fire Marshal inspection. Motion made by Temme, second by Rutten to approve the AIA Document G701 Change Order #2 as submitted, which should be Change Order #3 document request, for \$6,034.60 to change the Fire Sprinkler main piping from a 4" line to a 6" line per on-site Fire Marshall inspection with a building construction project amount of \$3,027,030.60. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Albion Area Arts Council, Inc. requested assistance to advertise the Albion Area Arts Council event Toasted Ponies Concert & Dance scheduled for October 12, 2019. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the Toasted Ponies Concert & Dance event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board received a Certificate of Cost Allocation Plan and Computation of Indirect Costs from Sequoia Consulting Group for their review. The completed county wide Cost Allocation Plan is based on actual costs for the fiscal year ended June 30, 2018. The Computation of Indirect Costs is for the county's July 1, 2019 through June 30, 2020 fiscal year. The indirect costs reimbursement relates to the Nebraska Health and Human Services when needed and the Clerk of the District Court – IV-D Child Support services. Sequoia Consulting Services receives a percentage of the indirect cost recovery reimbursement received by the county from Nebraska Health and Human Services. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Cost Allocation Plan with Sequoia Consulting Group for fiscal year ending June 30, 2018. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Judd Allen, NACO Marketing Representative, updated the Board in regard to the Nebraska Association of County Officials (NACO) services and activities. The Board and Allen discussed the different services that NACO provides for County Officials.

The Board has determined that there is no longer a need to have the County Sheriff-Interlocal Agreement Function (661) expenses of Law Enforcement deputies separate from the Sheriff Function (651) for Law Enforcement expenses within the County General Fund (0100). The expense transactions for County General Fund (0100) Function (661) has been allocated in County General Fund (0100) Function (651) beginning with the 2019-2020 fiscal year budget. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2019-34, closing the County Sheriff-Interlocal Agreement Function (661) budget within the County General Fund (0100) as of September 25, 2019. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The State of Nebraska Statutes require an annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards to be filed on or before October 31 each year. The LB82 became law on March 8, 2019, that changed the Nebraska Department of Transportation and county and municipal highway, road and street public record keeping and reporting requirements. Motion made by Temme, second by Rutten to approve Resolution No. 2019-35, the 2019 County Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

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

- A FEMA representative was onsite September 24, 2019.
- Plans are to begin the milling of the asphalt road project west of Petersburg on 145<sup>th</sup> Street on September 26, 2019.
- Ziemba said that repairs are completed on four tube/culverts and the bridge on 210th Avenue/300<sup>th</sup> Street.
- The Board and County Highway superintendent discussed several road/bridge/culvert areas that the Board has received public concerns on in the past week.



# Boone County Board Minutes



- Ziembra plans to submit an ad for quotes to purchase a new gravel trailer.

Denny Johnson, County Sheriff, and Adam Schmidt, Motorola Solutions, Inc. Nebraska sales area representative, presented a Motorola's Communications System and Services Agreement and Maintenance, Support and SUA Addendum for review. There has been several discussions since the March 11, 2019 Board meeting regarding the type of new mobile radios, portable VHF, accessories and repeaters with Platte Valley Communications and Motorola Solutions before deciding the radio package that is needed for communication with the new Statewide Radio System (SRS). Schmidt informed the Board that from the order date of the equipment, installation and programming of the new radio system could possibly all be in place and in use in six to seven months. The contract amount for MCC dispatch equipment and system integration, warranty and maintenance for first year, freight, accessories and installation/programming is \$306,588.30. Johnson informed the Board that Nance County is already on the SRS before the Boone/Nance Communications merger. Schmidt reviewed the contractual four invoicing steps with the Board and the ten year SUAIL that covers dispatching equipment, software, etc. upgrades. The dispatch life cycle services post warranty support services invoices begin with year two in 2021 through year ten in 2029 for payments totaling \$211,461.00. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Motorola's Communications System and Services Agreement and Maintenance, Support and SUA Addendum for \$306,588.30 and the 2021-2029 SUA warranty support services of \$211,461.00 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Commissioner Rutten attended the Greeley County Commissioners meeting on September 24, 2019. The Greeley County Board and Rutten discussed the Interlocal Agreement between the County of Boone, Nebraska and County of Greeley, Nebraska, to provide for the cooperative provision of services to veterans in the respective counties. The compensation from Greeley County to cover the one day a week salary and mileage for the Boone County Veteran Service Officer services has not changed since April 2015. Rutten and Greeley County Board discussed that the compensation from Greeley County in 2018 did not cover the calendar year one day a week expenses. Rutten informed the Board that Greeley County was receptive of increasing the compensation to Boone County for the Veteran Service Officer services.

In addition, Commissioner Rutten discussed the road issues with the Boone-Greeley countyline road known as 100<sup>th</sup> Avenue with the Greeley County Commissioners. Rutten updated the Board that no decisions were made with the Greeley County Commissioners and that they are possibly open to a countyline road Interlocal Agreement or Memorandum of Understanding.

## Public Comments:

- Meetings: East-Central District Health Department – September 26, 2019; Northeast Nebraska Juvenile Services – September 27, 2019; NIRMA Self Defense for County Officials Conference – October 3-4, 2019.
- Tina Landauer, Commander of Boone County American Legion, informed the Board that Boone County Government Day is scheduled for Wednesday, October 23, 2019.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioner Temme updated the Board regarding the Northeast Nebraska Area Agency on Aging meeting.
- Commissioner Rasmussen and Rutten updated the Board regarding the Northeast NACO Fall Workshop.

Chairman Rasmussen declared the meeting adjourned at 12:30 P.M., with the next Board meeting scheduled for Tuesday, October 15, 2019.



# Boone County Board Minutes



Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
OCTOBER 15, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 15, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Ben Rutten and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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 discussed a mileage reimbursement request submitted by Vendor ID No. 682. The department head attached an explanation as to why the department head did not sign the claim for approval. Motion made by Temme, second by Rasmussen to reject Vendor ID No. 682, the mileage reimbursement of \$127.60, at the request of the department head. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except the change as stated above: General - \$54,639.73; Road/Weed - \$549,290.10; Road/Bridge Buyback Program (0650) - \$19,544.00; County Visitor's Promotion - \$1,245.07; 911 Emergency Management (2910) - \$420.38; 911 Wireless Service (2913) - \$490.86; Fair Building (4025) - \$170,140.87; and Ambulance - \$3,337.79. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board accepted and approved a written resignation from a full-time County Assessor office employee at their September 25, 2019 Board meeting. Motion made by Temme, second by Rutten to approve a Payroll Claim filed for payment on the General Fund for a net amount of \$1,725.42 with the withholding amounts being included in the General Fund Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Proceedings of September 25, 2019 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the following reports of the County Officials as presented for September, 2019:

- Clerk - \$5,525.00 (State of Nebraska - \$2,630.33/County of Boone - \$2,894.67)
- Clerk of the District Court - \$875.30 (State of Nebraska - \$378.00/County of Boone - \$497.30)
- Sheriff - \$2,832.09
- Treasurer – Misc. Receipt Nos. 17327-17392 - \$312,327.56; Total Collections - \$2,363,920.35
- County Planning & Zoning for the month of May 2019 - \$566.50.
- County Planning & Zoning for the month of August 2019 - \$556.50.
- County Planning & Zoning for the month of September 2019 - \$823.75.

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





# Boone County Board Minutes



The Board received Payment Application Nos. 9 & 10 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the mobilization, concrete, masonry, plumbing, utilities and thermal insulation. Motion made by Rutten, second by Rasmussen to approve payment number nine for \$73,929.48 and ten for \$65,731.14 from Rathman Manning Construction for a total of \$139,660.62 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board received Invoices 2, 3, and 4 from Joseph R. Hewgley & Associates, Inc. for architect basic services and reimbursable mileage, etc. expenses through September 2019 for the fairgrounds building project. Motion made by Rutten, second by Temme to approve the basic services payment of \$25,607.94 and mileage, lodging, meal expenses of \$4,872.31 through September 2019 from Joseph R. Hewgley & Associates, Inc. for a total of \$30,480.25 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Petersburg Community Club requested assistance to advertise the Petersburg Community Club Punkin' Chunkin' event, scheduled for October 27, 2019 with an alternate date of November 3, 2019. Motion made by Temme, second by Rasmussen to approve the application requesting funding assistance for advertisement of the Punkin' Chunkin' event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 27, 2019 with an alternate date of November 3, 2019. The road closure is for 150<sup>th</sup> Street, located between Sections 30 and 31, all in Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska; commencing at the junction of 220<sup>th</sup> Avenue and 150<sup>th</sup> Street, thence east one mile on 150<sup>th</sup> Street and terminating at the junction of 150<sup>th</sup> Street and 230<sup>th</sup> Avenue. Motion made by Temme, second by Rasmussen to approve Resolution No. 2019-36 for a temporary road closure relating to the Petersburg Community Club Punkin' Chunkin' event as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Frontier Communications requested permission to install telecommunications cable and associated equipment by vibratory plow and boring under paved surfaces in County Roads and County Road right-of-ways. The request is for roads commonly known as Old Mill Road, 220<sup>th</sup> Avenue and 240<sup>th</sup> Street running east, west, north and south between Sections 6, 7, 16, 17, 18, 20 and 21, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M. and Sections 1 and 12, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., all in Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2019-37, granting permission to Frontier Communications to install telecommunications cable and associated equipment by vibratory plow and boring under paved surfaces in County Roads and County Road right-of-ways. The request is for roads commonly known as Old Mill Road, 220<sup>th</sup> Avenue and 240<sup>th</sup> Street running east, west, north and south between Sections 6, 7, 16, 17, 18, 20 and 21, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M. and Sections 1 and 12, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., all in Boone County, Nebraska as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



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

- The approximately four miles of the asphalt portion of 145<sup>th</sup> Street west of Petersburg from 210<sup>th</sup> Avenue to 170<sup>th</sup> Avenue has been milled.
- Discussed disposal of the tank of used oil located at the Road District #1 Shop, Cedar Rapids. No decision was made at this time.

The County Highway Superintendent submitted a Basic Customer Support Agreement with NMC CAT for the 2019 CAT Motor Grader Serial #N9500227 for the Board to review. The service kits included in the Agreement are engine oil changes, filters for engine oil/fuel and the fluid sampling. The hours are monitored on the motor grader in order for the oil and filter changes be completed and tested in a timely manner. The Customer Support Agreement kit arrives at 250 hour intervals per service cost of \$326.88. The eight year service total is approximately \$2,615.00. Motion made by Rasmussen, second by Temme to approve and authorize the Board Chairman to sign the NMC CAT Basic Customer Support Agreement quote number 082919153033 for \$326.88 per service kit at 250 hour intervals for the 2019 CAT Motor Grader Serial #N9500227 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County Highway Superintendent submitted an Authorized Representative Letter for the Board to review. The authorized representative will serve as the point of contact as well as the person who will be responsible for filling out and turning in all required paperwork for the federally declared disaster #4420. Motion made by Temme, second by Rutten to appoint Stacey L. Ziemba, Boone County Highway Superintendent, as the authorized representative for Boone County, Nebraska for the federally declared disaster #4420 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to back-haul aggregate for the County. The contracts are for the year 2019 with the contractor compensation being \$7.00 per ton for road gravel and \$11.00 per ton for other aggregate. The interested truckers need 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 a Non-Exclusive Contract for Services submitted by DJ Gasper Transfer, LLC/Donald J. Gasper. Motion made by Rasmussen, second by Temme to authorize the Board Chairman to sign the Non-Exclusive Contract for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, prepared a Non-Exclusive Contract for Services for each of the interested truckers to haul gravel and rock for the County. The County will pay the Contractor \$105.00 per hour to haul only approved aggregate to County yards. The interested truckers need to attach a copy of the truck driver's CDL and Certificate of Liability Insurance coverage to the contract. The Board reviewed a Non-Exclusive Contract for Services submitted by Wilson River Bottom Express/Jeffrey Wilson. Motion made by Rasmussen, second by Rutten to authorize the Board Chairman to sign the Non-Exclusive Contract for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



The County Highway Superintendent and the Board discussed the conditions of the County asphalt (black top) roads. Due to the adverse spring weather conditions it appears that several of the asphalt (black top) roads are in need of repair. The Board suggested that the County Highway Superintendent obtain quotes for milling of certain asphalt (black top) roads and find out an approximate timeline the milling may be completed.

## Public Comments:

- Meetings: Boone County Fitness Center, Inc. – October 15, 2019; Northeast Nebraska Juvenile Services, Inc., Madison – October 18, 2019.
- Commissioner Temme updated the Board regarding the NIRMA Self Defense for County Officials Conference.
- Commissioner Temme updated the Board regarding the BCDA, Inc. meeting.
- The County of Boone, NE received \$14,405.00 insurance dividend refund from Nebraska Intergovernmental Risk Management Association (NIRMA) on October 4, 2019.
- The Board reviewed Scrap Tire Collection information.

Chairman Rasmussen declared the meeting adjourned at 12:22 P.M., with the next Board meeting scheduled for Monday, October 21, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 21, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 21, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Larry Temme, Alan Rasmussen and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of October 15, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board of Equalization Proceedings of October 15, 2019 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County of Boone, Nebraska's present Public Defender Agreement expires January 1, 2020. The County has received information that there is possibly interest in the appointed Public Defender position. 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. The Board discussed contacting and appointing neighboring out-of-county individuals for the policy board. Motion made by Rasmussen, second by Temme to contact neighboring out-of-county individuals to serve as the policy board and advertise the acceptance of applications for the appointed public defender position for years 2020 and 2021 in the county newspapers the weeks of October 28<sup>th</sup> and November 4<sup>th</sup>, 2019. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Boone County Treasurer requested authorization from the Boone County Board of Commissioners to set up a separate bank account for the Limited Tax County Road Bonds, Series 2019 (Highway Allocation Fund Pledge Bonds). The account will receive said bond proceeds as revenue for road/bridge infrastructure repair due to the adverse weather conditions since March 2019. Motion made by Temme, second by Rutten to approve and authorize the Boone County Treasurer to set up a separate bank account for the Limited Tax County Road Bonds, Series 2019 with the Cornerstone Bank, Albion, Nebraska and that the interest from the bond account be identified/transferred to the General Fund. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The primary use of the Boone County Visitors Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee received a request for advertisement funding. The Albion Area Arts Council, Inc. requested assistance to advertise the Talbott Brothers Concert scheduled for November 17, 2019. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the concert from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects.

The Board held a meeting with the Elected Officials/Department Heads:

- Chairman Rasmussen asked all present to join in the Pledge of Allegiance.
- County officials/department heads reported on activities with regard to their respective office.
- County Government Day is scheduled for Wednesday, October 23, 2019. The department heads present received a copy of the program.
- The American Legion Post #162 will be hosting the area Oratorical contest on December 8, 2019 with alternate date of December 15, 2019 in the Boone County Courthouse Courtroom.
- Courthouse Fire Drill is scheduled for 8:15 A.M. on Friday, October 25, 2019.
- NIRMA First Aid/CPR/Stop the Bleed for County employees is scheduled for 8:30 A.M. on Wednesday, October 30, 2019 in the Boone County Courthouse breakroom.
- The group discussed the Nebraska Association of County Officials (NACO) 125<sup>th</sup> Annual Conference fundraiser. The goal is for each county in Nebraska to raise a minimum of \$125.00 to celebrate the NACO 125<sup>th</sup> Annual Conference. The Younes Conference Center staff that were personally impacted by the July flooding in Kearney will be the recipients of the fundraising contributions. The consensus of the group present is to have free-will donation containers for the fundraiser located at the Assessor, Treasurer and Clerk's offices.
- The group present discussed the importance of the use and care of the county-owned vehicles. When using the County vehicles employees should first complete a walk around of the vehicle before driving away in order to log any issues (low tire, mirror broken, etc.) and complete the log book with destination and odometer reading when leaving and return. In addition, upon each return fill the vehicle with gas at White Star Oil and maintain cleanliness by removing your trash, etc.
- Employee mileage reimbursement was also discussed with the initial intention of the county-owned vehicles was to lessen budgeted expense for mileage in each of the office budgets by utilizing the county-owned vehicles for meetings and training. The consensus of the group that the mileage and vehicle use/care be more defined in the employee handbook.

The Boone County Road Department accepted sealed bids to be opened on October 21, 2019 at 10:00 A.M. for a new cross-gate belly dump gravel trailer for County Road District #3. The Board received and opened three bids as follows: RDO Truck Center, Norfolk, NE - \$52,493.00; Jim Hawk Truck Trailers, Inc., Council Bluffs, IA - \$52,875.00; and Iowa Trailer Mfg. Co., LLC, Storm Lake, IA - \$58,926.00. Representative Bob Sobotka, RDO Truck Center, and Bob Elsasser, Jim Hawk Truck Trailers, Inc., were present to answer questions in regard to their respective quote, such as warranty, tri-axle, electronic tarp, delivery date and closest area for trailer services. The Board acknowledged the closeness of their quotes and extended a thank you to the representatives for representing their said company. The RDO Truck Center is located in Norfolk making it the closest facility for truck maintenance/repair. Representative for Jim Hawk Truck Trailers, Inc. thanked the board for the hospitality and opportunity to submit a quote. Motion made by Temme, second by Rutten to approve and accept the quote of RDO Truck Center of Norfolk, Nebraska in the amount of \$52,493.00 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent submitted a Basic Customer Support Agreement with NMC CAT for the 2019 CAT Motor Grader Serial #N9500279 for the Board to review. The service kits included in the Agreement are engine oil changes, filters for engine oil/fuel and the fluid sampling. The hours are monitored on the motor grader in order for the oil and filter changes be completed and tested in a timely manner. The Customer Support Agreement kit arrives at 250 hour intervals per service cost of \$326.88. The eight year service total is approximately \$2,615.00. Motion made by Rutten, second by Temme to approve and authorize



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the Board Chairman to sign the NMC CAT Basic Customer Support Agreement quote number 100319092705 for \$326.88 per service kit at 250 hour intervals for the 2019 CAT Motor Grader Serial #N9500279 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and Board discussed estimates for repair of County asphalt (black top) roads. The asphalt milling estimate from Spud Construction, LLC is the square footage multiplied by \$0.18/sq. ft. and no charge for mobilization. The County Highway Superintendent and the Board discussed the eight areas of asphalt road that need the most attention sooner than later. The Board suggested the County Highway Superintendent contact Spud Construction and ask if four of the asphalt (black top) roads could possibly be milled this fall. Motion made by Temme, second by Rutten to proceed with the milling and approximate cost of the following areas of asphalt (black top) roads: 260<sup>th</sup> Street between intersection of 11<sup>th</sup> Street and Fairview Street, thence west to the intersection of 240<sup>th</sup> Avenue and Fairgrounds Road - \$4,950.00; A Street going north out of St. Edward - \$1,188.00; 170<sup>th</sup> Avenue known as Water Tower Road going South out of Cedar Rapids - \$8,514.00; and Cemetery Road (345<sup>th</sup> Street), Cedar Rapids. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Cedar Rapids County Road District #1 shop building repairs regarding the heating system and insulating of the building roof and walls has been discussed several times since August of 2018. The County Highway Superintendent presented quotes for the Board to review for the insulation and installing of insulation in the Road District #1 shop building, Cedar Rapids. An insulation material quote from Sentinel Building Systems of Albion, NE for the roof and walls - \$6,509.34 and a labor quote for installation of the insulation from Wiseman Roofing & Construction, Albion, NE - \$5,550.00 were reviewed by the Board. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the quote of \$6,509.34 from Sentinel Building Systems for the insulation material and approve the labor quote of \$5,550.00 from Wiseman Roofing & Construction for installation of the insulation for the Road District #1 shop building, Cedar Rapids. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and the Board discussed the protocol procedure of mowing the road ditches. The Nebraska State Statute §39-1811 addresses weeds; mowing duty of landowners; neglect of duty; obligation of county board; cost; assessment and collection. The annual publication regarding the mowing of weeds/road ditch right-of-way was published. The property owners that have not mowed their road ditches will have ten days to complete the mowing upon receiving notice, or the county will mow at a rate of \$450.00 per mile to be assessed to the property. Motion made by Rasmussen, second by Rutten to authorize Stacey Ziemba, County Highway Superintendents, to have the County Attorney prepare an Official Notice document to be sent to the applicable landowners that have not complied with the published mowing notices to mow the road ditches. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Jeff Jarecki was appointed Boone County Public Defender in August of 2012. Jarecki reported that the cases assigned in 2012 through 2017 are all completed. Jarecki reported that he had been assigned forty-seven cases in 2018. Jarecki said that forty-four of the cases are closed; two of the cases were conflicts; and one juvenile case remains open. Jarecki reported that he has been assigned thirty-five cases to date for 2019. Jarecki said that eighteen of the cases are closed; sixteen of the cases are open; and one case was a conflict. Jarecki explained to the Board that some juvenile cases take a long time to complete and that some individuals may have more than one case. For example of the thirty-five cases that is not necessarily thirty-five different individuals, as one individual may have four cases against them. Juvenile cases may remain open until the court case is resolved or the age of nineteen. Jarecki answered the Board's questions regarding conflict of interest and closed/open cases. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved. Jarecki explained that his office tries to emphasize rehabilitation for those facing criminal charges and treat the individuals with respect. The Board thanked Jarecki for the updated report and his diligent services. Jarecki thanked the Board and is very appreciative of



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the contract for public defender services. Motion made by Rasmussen, second by Temme to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The preparation of the Deed transfers of real estate to the Boone County Health Center were not completed. Motion made by Rasmussen, second by Rutten to table the action regarding the Deed transfers of real estate to the Boone County Health Center to the October 28, 2019 Board meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board; Mike Mapel and Chuck Rolf, Boone County Agricultural Society, Inc. Board members; Kurt Kruse, Boone County Agricultural Education Center, Inc. authorized representative; Steve Pritchard, UNL Extension Educator; and Paul Groeteke held a discussion regarding the Boone County Agricultural Society, Inc. current Lease Agreement with the County of Boone, Nebraska that needs revising and updating. The County of Boone owns the real estate together with all the tenements, hereditaments and appurtenances since 1944 and the current Lease Agreement between the County of Boone, Nebraska and Boone County Agricultural Society, Inc. is dated 1978. A Lease Agreement and Interlocal Cooperation Agreement may basically address the same issues and responsibilities between the entities. The county attorney and bonding attorney's advice was to continue forward with updating the Lease Agreement document.

Several responsibilities were discussed in regard to the real estate, buildings and rental fees regarding the properties known as the Boone County Fairgrounds. The Board felt that due to the County using \$1.3 million of Inheritance Tax towards construction of the new building, there should be no cost to the County of Boone for office space used by UNL County Extension for at least ten years. Rolf said that the north portion of the new building is all electric and that the arena portion will have natural gas heat. In addition, topics of discussion were a detailed Lease Agreement to clarify all responsibilities, insurance, payment of utilities (electrical, gas, sewer, water, etc.), fence lines, snow removal, removal of the three buildings that were initially said to be removed to open up area for parking, etc. No motions or final decisions were made at the meeting.

Discussion was held on pending grant applications for the furnishings (example: bleachers, livestock panels, etc.) for the new fairgrounds building. Kruse noted that fundraising for the furnishings for the new fairgrounds building was part of the Boone County Big Give in 2018 and will be again in 2019. The topic regarding funds for furnishings will be revisited at a later date.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – October 21, 2019; Boone County Government Day – October 23, 2019.
- Commissioner Rutten updated the Board regarding the Northeast Nebraska Juvenile Services, Inc. meeting.

Chairman Rasmussen declared the meeting adjourned at 1:10 P.M., with the next Board meeting scheduled for Monday, October 28, 2019.

Kathy Thorberg,  
Boone County Clerk



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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 28, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Monday, October 28, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of September 22, 2019 through October 21, 2019. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$93,435.35, BCBS \$47,466.32, Ameritas Ret \$6,432.42, EFTPS \$6,970.94, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$94.20; Road \$63,058.90, BCBS \$33,426.40, Ameritas Ret \$4,256.47, EFTPS \$4,760.50; Ambulance \$3,312.87, Ameritas Ret \$100.62, EFTPS \$253.44; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board Proceedings of October 21, 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. 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 Temme, second by Rutten to approve Resolution No. 2019-38, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) to the Road Fund (0200) for the 2019-2020 Tax Year on an as needed basis not to exceed \$3,100,000.00. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

David Fox requested permission to trench an electrical line across a county road commonly known as 250<sup>th</sup> Street running east and west between the SW1/4 of Section 17 and the NW1/4 of Section 20, all in Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical line commences from an electrical pole located on the north side of 250<sup>th</sup> Street in the SW1/4 of Section 17; running thence South across 250<sup>th</sup> Street to an electric irrigation motor located in the NW1/4 of Section 20, all in Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The request is to convert the existing irrigation well from gas to electric. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2019-39, granting permission to David Fox to trench an electrical cable across a county road known as 250<sup>th</sup> Street to the NW1/4 of Section 20, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for irrigation purposes. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Rasmussen, second by Temme to recess said Board of Commissioners meeting at the Boone County Courthouse location at 9:33 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried. The Board of Commissioners agenda item #5 is a meeting with the County Road Employees to be held at the County Road District #2 shop building located at 325 North 6<sup>th</sup> Street, Albion, NE. Motion made by Rutten, second by Temme to reconvene said Board of Commissioners meeting at 9:41 A.M. at the location of the Boone County Road District #2 shop building. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board, County Highway Superintendent and the County Road employees held a lengthy discussion at the location of the County Road District #2 shop building, 325 North 6<sup>th</sup> Street, Albion, NE regarding: the work hours/forty hour work week, procedure for purchases and ordering repairs, etc., equipment maintenance and routine equipment maintenance responsibilities of equipment operator(s), who may operate the county equipment, purchasing of equipment, snow removal/possibility of working hours besides the regular work week, and other issues.

Motion made by Rutten, second by Temme to recess said Board of Commissioners meeting at the Boone County Road District #2 shop building in order to return to the Boone County Courthouse to complete their regular Board meeting at 10:37 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried. Motion made Rutten, second by Temme to reconvene said Board of Commissioners meeting at the Boone County Courthouse location at 10:46 A.M. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board and Mary Hemmingsen, Boone County Sheriff Office Manager, discussed the copy machine located in the County Law Enforcement building. The copy machine lease expires in December of 2019. The Board reviewed the information submitted by Office Systems Company of a lease buyout/ownership of the current copy machine or a 48/month lease and maintenance proposal for a new black/white Canon image Runner Advance model. Motion made by Rutten, second by Temme to approve and authorize Denny Johnson, Boone County Sheriff, to sign a 48/month Lease and Maintenance Agreement with Office Systems Company for a new black/white Canon image Runner Advance model copy machine for the County Law Enforcement building for monthly payments of \$122.44 (lease \$99.94; maintenance \$22.50) for 48 months. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Boone County Board of Commissioners (Board) received a "Petition to Vacate County Road" in March of 1998 and held a Public Hearing in April 1998. The Board took action and voted to vacate the following: A portion of a county road known as 320<sup>th</sup> Avenue, commencing at the Northeast corner of Section 15 and the Northwest corner of Section 14, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, running thence south one (1) mile to the Nance County line. The Board of Commissioners are to adopt a resolution to officially vacate a public road. A search of the real estate records deemed that a resolution approving the vacation of above described mile of road did not appear to be of record. Motion made by Temme, second by Rutten to approve Resolution No. 2019-40, that a copy of this Resolution shall be filed with the Register of Deeds and indexed against the following described properties: A portion of a county road known as 320<sup>th</sup> Avenue, commencing at the Northeast corner of Section 15 and the Northwest corner of Section 14, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, running thence south one (1) mile to the Nance County line, that are believed to be adjacent to the described, now vacated public road, with all right-of-way rights to be relinquished and shall revert to private ownership to the owner(s) of the adjacent



# Boone County Board Minutes



real estate, one-half on each side thereof, subject however with the understanding that all utilities with assets that may be affected by this vacation continue to have full access to their property. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

In reviewing the Boone County Board of Commissioners proceedings it appears that a portion of the following described road has been discussed and reviewed several times since 1989: a portion of a county road known as 320<sup>th</sup> Avenue, commencing at the Northeast corner of Section 10 and the Northwest corner of Section 11, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, running thence south one (1) mile. In researching the real estate records it appears that each time the Board approved a study request to possibly change the classification of portion(s) of said described road, there appears to be no public hearing(s) or final vote to the approved studies of record. Lynn Kaufmann of Lincoln, NE has been contacting and discussing his concerns regarding areas of said above mentioned county road with the Board several times in 2019. The first step in changing the classification of a county road is an appointment to have a feasibility study completed. Motion made by Rasmussen, second by Temme to appoint Stacey L. Ziemba, Boone County Highway Superintendent, to do a feasibility study in regard to possibly changing the classification(s) of a portion of a county road known as 320<sup>th</sup> Avenue, commencing at the Northeast corner of Section 10 and the Northwest corner of Section 11, all in Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, running thence south one (1) mile. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County Hospital Statutes §23-3501 – §23-3527 determine Boone County Health Center (BCHC) a separate legal entity from the County of Boone. The BCHC is not merely an agency of the County, but is a separate and independent political subdivision. The Boone County Board of Commissioners published in the Albion News, a weekly newspaper, a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the Boone County Health Center on Wednesday, September 11, 2019. Jeff Jarecki, Attorney, presented the real estate deed documents on behalf of the BCHC for the Board to review and approve. The real estate transactions have been discussed and researched for several years and the BCHC is applying for a USDA loan for the new clinic addition and it is best for the real estate to be in the name of Boone County Health Center. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Deed documents transferring the real estate located in the counties of Boone, Antelope, Greeley and Nance from the title of County of Boone, Nebraska to the real estate holder being Boone County Health Center. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Health Center – October 28, 2019; LEPC – October 29, 2019.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- Commissioners Rasmussen and Rutten updated the Board regarding Boone County Government Day activities.
- Forrest Francis and Colin Koeppen expressed their concerns regarding County asphalt (black top) road(s) repair.

Chairman Rasmussen declared the meeting adjourned at 12:48 P.M., with the next Board meeting scheduled for Tuesday, November 12, 2019.



# Boone County Board Minutes



Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 12, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Tuesday, November 12, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed and discussed claim filed by Vendor ID No. 1069 submitted in the total sum of \$251.49 for reimbursement of meeting expenses. Upon review of the claim, it was noted that the claim included taxes which on services which are exempt per Nebraska Revised Statutes 77-2704.15. In addition, a portion of the expenses were paid by a personal credit card and no portion of the credit card statement was attached showing the charges. Motion made by Temme, second by Rutten to reject the claim of Vendor ID No. 1069 until such time as the taxes are removed and the necessary documentation is presented to the Boone County Clerk regarding payment for the charges in accordance to the Boone County Employee Handbook. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed the County Vendor Claims filed for the month of October, 2019. Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the following various funds: General - \$35,138.93; Road - \$376,672.16; Visitor's Promotion - \$423.10; ROD Preservation/Modernization - \$343.34; Inheritance Tax - \$79,147.08; 911 Emergency Management - \$469.30; 911 Wireless Service - \$556.22; Ambulance - \$1,203.86. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of October 28, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the following reports of the County Officials as presented for October 2019:

- County Clerk - \$15,060.75 (State of Nebraska - \$8,998.76/County of Boone - \$6,061.99)
- Clerk of the District Court - \$859.31 (State of Nebraska - \$354.00/County of Boone - \$05.31)
- County Sheriff - \$3,074.59
- County Treasurer – Miscellaneous Receipts Nos. 17393-17460 - \$442,121.69. Total Collected - \$860,738.72
- County Zoning - \$1,076.25

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

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report. Report indicates that there were 12 distress warrants delivered to the Boone County Sheriff on November 1, 2019 for collection of unpaid 2018 personal property taxes, not including penalties, in the sum of \$8,198.60. The total to be collected on the distress warrants with penalties is \$8,597.05. Motion made by Rutten, second by Rasmussen to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.





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Discussion with Denny Johnson, Boone County Sheriff, regarding Nebraska Regional Interoperability Network (NRIN) User Request Form. Sheriff Johnson indicated that Boone County currently pays NRIN a fee of \$250.00 per month for the PSAP 911 network. As a result of the county joining the Statewide Radio System network, an additional fee will be due in the amount of \$200.00 per month for a backup system. Sheriff Johnson indicated that this fee was not communicated to him at the time the county decided to go on the statewide system so this is first he was made aware of it. Sheriff Johnson indicated that he had received the request form in October but wanted to review it with the Board and receive approval before proceeding further. Motion made by Temme, second by Rasmussen to approve the additional \$200.00 per month fee payable to NRIN and authorizing Sheriff Johnson to sign the User Request Form. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Denny Johnson, Boone County Sheriff, discussed the purchase of another law enforcement vehicle. Sheriff Johnson indicated that he had just recently received new state bids and requested that the matter be rescheduled for the November 18, 2019 Board meeting in order that he could further review the new information. Sheriff Johnson indicated that he would like to purchase an SUV and would like to compare if the state bid would be better vs. purchasing a comparable vehicle through a local dealer.

Upon receipt and review of the documentation necessary regarding the Limited Tax County Road Bonds, Series 2019, a motion was made by Temme, second by Rutten to authorize the Board Chairman, County Clerk and County Treasurer to sign all documents required with regard to the Limited Tax County Road Bonds, Series 2019, as required. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Tanya Sharp, Boone County Health Center President and Chief Executive Officer, presented for the Board's approval the Hospital License Renewal for the period of 1/1/2020 to 12/31/2020. Ms. Sharp indicated that currently the hospital has 25 beds but that number may decrease to 24 beds due to the upcoming renovation but that the decrease will not affect the critical access designation. Motion made by Rutten, second by Temme to approve the Hospital License Renewal and authorized the execution of the license as required. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

In addition to appearing before the Board for the Hospital License Renewal, Tanya Sharp provided the Board of Commissioners with a site plan, lobby view, proposed floor plan and exterior view for the new outpatient expansion. Information regarding the proposed plans will be provided to the newspaper in the coming weeks.

The State of Nebraska, Department of Transportation, needs the County Board to designate the official county newspaper(s) in order to comply with state statute when advertising their projects for bids in the county. Motion made by Rasmussen, second by Temme to designate the official county newspapers for 2020 to include the Albion News, Petersburg Press and St. Edward Advance. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

An annual certification of County Highway Superintendent is due each year by December 31st to the Nebraska Department of Transportation pursuant to state statutes. The performance of the duties listed in the certification determines federal highway allocation funds incentive payments. Motion made by Rasmussen, second by Rutten to approve and authorize execution of Resolution 2019-42 regarding signing of the Year-End Certification of County Highway Superintendent Form 2019 and authorizing the Board Chairman to sign the Year-End Certification of County Highway Superintendent certifying the appointment of Stacey Ziembra, Boone County Highway Superintendent, for the calendar year 2019 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



Stacey Ziemba, County Highway Superintendent, appeared before the Board regarding the following:

- The 1995 tractor located at the Albion Shop has been acting up. The Highway Superintendent would like to trade it in for something newer and more reliable. Repairs to the tractor would be quite expensive. Board indicated that the Highway Superintendent should look into some prices with local dealers.
- Highway Superintendent reported that the motor grader was brought down to Albion from Petersburg. Also, the new trailer is going to Cedar Rapids.
- Francis Whidden and Denny Cruise appeared before the Board regarding the status of 320th Avenue between Sections 10 and 11, Township 18 North, Range 5 West of the 6th P.M., Boone County, Nebraska. Denny Cruise rents the Kaufman pasture and is concerned about access to his pasture if the road is impassable. Francis Whidden provided the Board with some history regarding past flooding and showed photos of flooding after 1" of rain. Whidden indicated that he had a problem with the tubes that were put in because they become plugged and then the water backups onto his property causing silt buildup. Whidden indicated that the amount of crop acres has decreased as a result of the silt. Various options were discussed such as removing the tubes and replacing with a box culvert or a low water crossing. After discussion, it was decided that the Highway Superintendent would contact Brian McDonald, JEO, and have him review the situation and provide his recommendation as to the course of action to take. The Highway Superintendent did not submit a feasibility study report at this time.
- A copy of a letter prepared by the County Attorney to the Albion Country Club was provided to the Commissioners for their information regarding a fence being located in the County's right-of-way. Highway Superintendent indicated that she had received no response to date from the Albion Country Club.
- Commissioner Rutten indicated that he was asked about the bridge to the sewage lagoon in St. Edward. Highway Superintendent indicated that they were aware of this and that the bridge would need to be redecked in addition to other work. Ziemba will check with Brian McDonald, JEO, regarding this. This probably would not be done yet this year, possibly next spring. It was the Highway Superintendent's recommendation that once the repairs were made that the bridge be given to the City of St. Edward.

The Board and Highway Superintendent discussed the status of the damaged building that was removed at County Road Department, District #3, in Petersburg. Highway Superintendent indicated that she had received two bids; one from Beckman Lumber and one from Levander Construction. The Board indicated that something needed to be done to either replace the building or not. Motion was made by Temme, second by Rutten to replace the building that was damaged at Road Department, District #3, in Petersburg, and to schedule the matter to review current bids for the next Board meeting on November 18, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed the 2020 calendar to set dates for 2020 Board meetings. The Board usually meets every Monday except the first Monday of the month and if the Monday is a holiday, then the following Tuesday, commencing at 9:00 A.M. The 22/21 payroll system requires the Board to change some of their meeting days from Monday to a different day to accommodate the payroll schedule. Motion made by Rasmussen, second by Rutten to approve the following meeting dates for 2020 which are subject to change: January 6, 13, 21 and 27; February 10, 18 and 26; March 9, 16 and 25; April 13, 20 and 27; May 11, 18 and 27; June 8, 15, 24 and 29; July 13, 20 and 27; August 10, 17 and 26; September 14, 21 and 28; October 13, 19 and 26; November 9, 16 and 25; and December 14, 21 and 28. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



John Morgan, Boone County Attorney, appeared before the Board regarding the following matters:

- Upon review of the letter received from Benjamin E. Busboom, Attorney at Law for Baird Holm, it is the opinion of the County Attorney that the Board is not in violation of the acts and statutes cited and upon completion of a study, he will follow through with regard to the Board's recommendation.
- County Attorney indicated that upon review of the current lease with the Boone County Agricultural Society, Inc., that in order to proceed to negotiate a new lease it will be necessary to terminate the current lease first. County Attorney indicated that a termination letter would need to be drafted together with an explanation letter to the Ag Society. The Board asked that Morgan prepare a termination letter and explanation letter for the Board's signature at the next Board meeting on November 18, 2019.
- County Attorney advised the Board that he had prepared and sent to the Albion County Club a letter regarding the fence located in the County's right-of-way. The Board acknowledged receiving a copy of the letter from the Highway Superintendent.

The Board reviewed the policy from 2018 regarding employee recognition. In 2018, the Board approved the purchase of a turkey for each elected official and full-time employee up to \$15.00 per employee. Commissioner Rasmussen indicated that it was somewhat chaotic last year with regard to where the turkeys were purchased and the distribution to the employees. This year the Commissioners thought it would be best, after determining which grocery stores in the county would be willing to participate, that each elected official and full-time employee would be given a certificate for either a turkey or ham not to exceed \$15.00 which they could redeem at any of the participating grocery stores. The certificates would have to be redeemed on or before December 31, 2019 and would be good towards a turkey or ham only. Any amount over \$15.00 would be at the expense of the employee. Motion made by Temme, second by Rasmussen to approve the expenditure of \$15.00 per elected official and full-time employee towards the purchase of a turkey or ham in the form of a certificate to be redeemable at participating grocery stores on or before December 31, 2019. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Boone County Ambulance Service submitted a September 2016 uncollectible ambulance account that the Board reviewed on July 10, 2017 and turned over to the County Attorney for further collection. Three years has lapsed from the date of service and there is no receipt of any payment. Motion made by Rutten, second by Rasmussen to write off the September 2016 County Ambulance Service due in the amount of \$1,087.50 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen, to go into executive session at 12:10 P.M. per the Open Meeting Act §84-1410(1), for the prevention of needless injury to the reputation of an employee and if such employee has not requested a public meeting. The Board met with the County Sheriff and Sheriff's Office employee to discuss a personnel issue. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried. Motion made by Temme, second by Rasmussen to come out of executive session at 12:40 P.M. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried. No action was taken by the Board.

Chairman Rasmussen declared the meeting adjourned at 12:41 P.M., with the next Board meeting scheduled for Monday, November 18, 2019.

Lorrie Nicklasson,  
Deputy Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 18, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Monday, November 18, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Vice Chairman Temme acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of November 12, 2019 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board of Equalization Proceedings of November 12, 2019 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Albion Area Arts Council requested assistance to advertise the String Beans Concert scheduled for December 7, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the String Beans Concert from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Boone County Historical Society requested assistance to advertise the Big Give Open House at the Boone County Museum on December 6, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Big Give Open House from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted a November 2017 uncollectible ambulance account that the Board reviewed on November 19, 2018 and turned over to the County Attorney for further collection. There is no receipt of any payment and the patient is deceased. Motion made by Rutten, second by Temme to write off the November 2017 County Ambulance Service due in the amount of \$2,370.00 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted a July 2018 uncollectible ambulance account that the Board reviewed on December 27, 2018 and turned over to the County Attorney for further collection. There is no receipt of any payment and the patient is deceased. Motion made by Rutten, second by Temme to write off the July 2018 County Ambulance Service due in the amount of \$2,230.00 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted an August 2017 uncollectible ambulance account that the Board reviewed on April 16, 2018 and turned over to the County Attorney for further collection. After receipt of Medicare payments and adjustments and no further payments having been made, it was determined that the





# Boone County Board Minutes



remainder of the amount due should be written off. Motion made by Rutten, second by Temme to write off the August 2017 County Ambulance Service with a balance due after Medicare payments/adjustments in the amount of \$256.55 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The First Concord Benefits Group submitted the Section 125 Cafeteria Plan re-enrollment forms for the calendar year 2020 and Cafeteria Plan-IRC Section 125 key employees questionnaire/highly compensated employee forms for 2020. Motion made by Temme, second by Rutten to approve and authorize the Board Vice-Chairman to sign all necessary documents regarding the Section 125 Cafeteria Plan re-enrollment for 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Denny Johnson, Boone County Sheriff, appeared before the Board regarding the purchase of a law enforcement vehicle. Sheriff Johnson indicated that he would like to purchase a 2020 Dodge Durango to replace the Ford Explorer that was previously in the Sheriff's fleet. He presented three bids for the Board's review. Two bids were from Jonny Dodge Chrysler Jeep in Neligh, Nebraska. One bid was for a 2020 Dodge Durango without the pursuit package valued at 26,940.00 and one bid for a 2020 Dodge Durango with the pursuit package valued at \$29,975.00. In addition, Sheriff Johnson had a state bid for a 2020 Dodge Durango without the pursuit package valued at \$27,085.00. Sheriff Johnson indicated that it would be more cost effective to purchase the vehicle initially with the pursuit package than to purchase a vehicle without it and then upgrade after the purchase. This purchase would be covered under the current budget and that it would be early 2020 before the vehicle was received. Sheriff Johnson indicated that there would be no trade-in and that the 2014 Dodge Ram pickup would be transferred to the Road Department for their use. Motion made Temme, second by Rutten authorizing the Boone County Sheriff to proceed with the purchase of the 2020 Dodge Durango with the pursuit package from Jonny Dodge Chrysler Jeep in the sum of \$29,975.00. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed the explanation letter and Notice of Termination of Lease prepared by the Boone County Attorney regarding the current lease with the Boone County Agricultural Society, Inc. Motion made by Rutten, second by Temme approving the letter and notice as presented and authorizing the execution of the Notice of Termination of Lease by the Boone County Board of Commissioners. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Stacey Ziemba, County Highway Superintendent, appeared before the Board regarding the replacement of the building that was damaged and removed in 2018 from the County Road Department, District #3, Petersburg. The previous bids received were for a pole shed. After discussion, the Board indicated that they would like to proceed with a steel structure for the same size as the previous building. Ziemba indicated that the procedure for sealed bids required that a notice be published. Motion made by Rutten, second by Temme directing the County Highway Superintendent to proceed to publish a notice for sealed bids pursuant to state statutes for a steel structure measuring 42 feet x 40 feet x 16 feet to be completed on or before June 1, 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

County Highway Superintendent also updated the Board on the following items:

- The heating unit at the Cedar shop was replaced with what appears to be the same unit. The unit may not be big enough for the building but they will continue to monitor the situation.
- Highway Superintendent is going to look into upgrading the 1995 tractor for something newer. Once she has some information, she will present it to the Board for their review.



# Boone County Board Minutes



- The County Engineer has been contacted regarding various matters including the Kaufmann Road. She will be talking to him more regarding this and other projects.
- The Road Department has been contacted by a representative of the Albion Country Club regarding the letter that was sent concerning a fence being located within the road right-of-way. The Albion Country Club does not want to remove the fence.

The Board reviewed the upcoming meeting schedule for the Commissioners. The Board of Commissioners is scheduled to meet on December 27, 2019 and December 30, 2019. After discussion, it was determined that there would be no need to meet on December 30, 2019. The payroll will be approved on December 27, 2019 and there would likely be nothing come up between the two dates that would require a meeting. Motion made by Rutten, second by Temme to forego the Commissioner's meeting scheduled for December 30, 2019 with the next regular Commissioner's meeting scheduled for January 13, 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

## Public comments:

- Commissioner Temme indicated that he would be attending the Boone County Agricultural Society, Inc. meeting that evening.
- Commissioner Rutten indicated that he would be attending the Boone County Health Center meeting on Tuesday, November 26, 2019.
- County Clerk's Office informed the Board that \$348.00 had been raised by donations and silent auction for the NACO Fundraiser for flood victims.

The County Board conducted a quarterly visit of the county jail. It shall also be the duty of the County Board of each county of this state to visit the jail of its county once during each of its sessions in January, April, July and October of each year per Nebraska State Statute 47-109.

Vice Chairman Temme declared the meeting adjourned at 11:30 A.M. with the next Board meeting scheduled for Tuesday, November 26, 2019.

Lorrie Nicklasson,  
Deputy Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:30 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Rutten and second by Commissioner Temme to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Douglas Stuhr, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Douglas Stuhr, owner of the property in question. The application requested 5.00± acres be divided from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6th P.M., Boone County, Nebraska.

Douglas Stuhr explained to the Board that the purpose for dividing the 5.00± acres from the farm land is to make the farm work better. Stuhr advised the Board that there were no buildings located on this acreage. A survey for 5.00± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.00± acres from the parcel of farm land on October 28, 2019. Ziemba informed the Board that a Waiver of Distance had been signed as required by the Boone County Zoning Commission.

Motion made by Rutten, second by Temme to close said public hearing at 10:32 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Douglas Stuhr to divided 5.00± acres from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:33 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Douglas Stuhr, Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Douglas Stuhr, owner of the property in question. The application requested that 7.37± acres be divided from a parcel of farm land located in a fraction of the SW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Douglas Stuhr explained to the Board that the purpose for dividing the 7.37± acres from the farm land is to make the farm work better. Stuhr also advised the Board that there were buildings located on this acreage and that the sale of the acreage was pending. A survey for 7.37± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which give priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 7.37± acres from the parcel of farm land on October 28, 2019. Ziemba informed the Board that a Waiver of Distance had been signed as required by the Boone County Zoning Commission.

Motion made by Rutten, second by Temme to close said public hearing at 10:35 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Douglas Stuhr to divide 7.37± acres from a parcel of farm land located in a fraction of the SW1/4 SE1/4 of Section 26, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson,  
Deputy Boone County Clerk





# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:45 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Jeffrey Jarecki, Attorney for the Applicant, by telephone. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Deb Borer and Marilyn Nealon, Co-Personal Representatives of the Estate of Meta M. Mahoney, owner of the property in question. The application requested that 5.19± acres be divided from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 22, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Jeff Jarecki, Attorney for the Estate of Meta M. Mahoney, appeared by telephonic conference and explained that the purpose for dividing the 5.19± acres was because this acreage which includes the building site together with the remaining real estate was to be sold. However, the acreage with the building site was devised to a specific heir and in order to distribute the proceeds from the sale of all real estate pursuant to the Will of Meta M. Mahoney, the real estate had to be divided into two parcels. A survey for the 5.19± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.19± acres from the parcel of farm land for estate distribution purposes on October 28, 2019. Ziemba informed the Board that Waivers of Distance had been signed as required by the Boone County Zoning Commission.

Motion made by Temme, second by Rutten to close said public hearing at 10:48 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Mary Ziemba, County Planning and Zoning Administrator, indicated that she had not received the original Application for Conditional Use or Waivers of Distance from Jeff Jarecki.

Motion made by Rutten, second by Temme to approve the Conditional Use Permit submitted by Deb Borer and Marilyn Nealon, Co-Personal Representatives of the Estate of Meta M. Mahoney, to divide 5.19± acres from a parcel of farm land located in a fraction of the NW1/4 SE1/4 of Section 22, Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, contingent upon the receipt of the original documents referred to herein. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson  
Deputy Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 10:55 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Jeff Brands, representative for the Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions regarding the approval or denial of an Application for Conditional Use Permit submitted by Tami Jo Brands, owner of the property in question. The application requested that 5.25± acres be divided from a parcel of farm land located in a fraction of the NE1/4 NE1/4 of Section 23, Township 22 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Jeff Brands explained to the Board that the purpose for dividing the 5.25± acres from the parcel of farm land was so that the property could be sold and a home built on the real estate. A survey for 5.25± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.25± acres from the parcel of farm land for subsequent sale and construction of a new home on October 28, 2019. Ziemba informed the Board that a Waiver of Distance had been signed as requested by the Boone County Planning Commission.

Motion made by Rutten, second by Temme to close said public hearing at 10:57 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Tami Jo Brands to divide 5.25± acres from a parcel of farm land for subsequent sale and construction of a new home located in a fraction of the NE1/4 NE1/4 of Section 23, Township 22 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson  
Deputy Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, November 18, 2019 at 11:05 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rutten to open said public hearing. Present for roll call were Commissioners Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to a funeral. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Rick Fullner, representative for the Applicant. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Vice Chairman Temme acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions concerning the approval or denial of an Application for Conditional Use Permit submitted by Pillen Family Farms to transport livestock waste and compost in and out of Boone County in a manner that runs current with the DEQ Permitting Manure Management for Pillen Family Farms.

Rick Fullner, representative for Pillen Family Farms, was present on behalf of the Applicant. Fullner asked the Board to define “immediately” as it relates to Item No. 2 of the conditions to be met indicating that after the injection of manure, the ends of all fields plus anywhere else the applicator turns around, shall be disked in the soil to minimize the smell. Fullner indicated that it would not be possible to disc immediately after the waste is applied because of the soil being too wet to drive through. Fullner stated that there would be the approximate equivalent of .25” of moisture being applied to the soil.

Commissioners Temme and Rutten indicated that they understood this but that it was necessary that the waste be worked into the soil as quickly as possible to keep the smell down. Commissioner Rutten indicated that depending on the time of day when the waste was applied, that it could be disked in that same day or at least within 24 hours.

Motion made by Temme, second by Rutten to close said public hearing at 11:13 A.M. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the Conditional Use Permit submitted by Pillen Family Farms to transport livestock waste and compost in and out of Boone County in a manner that runs current with the DEQ Permitting Manure Management for Pillen Family Farms and that “immediately” under Item No. 2 of the list of condition attached shall mean as soon as possible within a 24 hour period after application. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Lorrie Nicklasson  
Deputy Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 26, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Tuesday, November 26, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Ben Rutten, Larry Temme and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of October 22, 2019 through November 21, 2019. Motion made by Temme, second by Rutten to approve the County Payroll Claims filed for payment from the various funds: General \$99,663.27, BCBS \$48,398.04, Ameritas Ret \$6,838.79, EFTPS \$7,447.99, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$109.90; Road \$68,569.23, BCBS \$33,426.40, Ameritas Ret \$4,628.42, EFTPS \$5,182.04; Ambulance \$2,503.04, Ameritas Ret \$74.73, EFTPS \$191.46; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of November 18, 2019 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Abstain: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the five County Board Zoning Public Hearings Proceedings of November 18, 2019 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Rasmussen. Motion carried.

Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 9:30 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten, Alan Rasmussen and Larry Temme; Rod Nelson, Courthouse Maintenance; Denny Johnson, Sheriff; Kathy Thorberg, County Clerk; Jacqueline L. Wells, Veteran Service Officer; Stacey Ziemba, County Highway Superintendent; and Denise Ziemba, Region 44 Emergency Manager. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) Electronic Systems, Inc. completed an inspection and test of the courthouse and law enforcement Fire Alarm systems on September 16 and 18, 2019; (2) Courthouse fire drill was held on October 25, 2019, Nelson said the fire drill was completed successfully; (3) CPR, AED and First Aid training was held by NIRMA at the courthouse on October 30, 2019 for employees; (4) Meininger Fire Protection, Inc. completed the Annual Fire Sprinkler and Fire Line back flow inspection and the five year suppression testing of the courthouse sprinkler system on November 20, 2019; (5) Nelson and Wells said that the additional storage unit was working fine; and (6) A copy of the County Emergency Action Procedures have been placed in the County Road shops. New business that was addressed/reviewed: (1) Review of the NIRMA Model Safety Manual; (2) Decided on January 21, 2020 to continue to review the NIRMA Model Safety Manual; (3) Nelson said that the vent/fan in the women's restroom has been repaired; (4) The County vehicles should have first aid kits; (5) Nelson said that the outside lights on the north side of the courthouse are not working and will be repaired; and (6) The two incident/accident reports have been addressed. The next Safety Committee meeting is tentatively scheduled for January 21, 2020 to review the NIRMA Model Safety Manual. The Safety Committee meeting was adjourned by Ben Rutten, Chairman of the Boone County Safety Committee at 9:50 A.M.





# Boone County Board Minutes



The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Boone County Home, Farm and Garden Show, Inc. requested assistance to advertise the Reason For The Season event scheduled for December 5, 2019. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the Reason For The Season event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved a request for advertisement funding. The Petersburg Community Club requested assistance to advertise the Christmas Supper and Entertainment event scheduled for December 16, 2019. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Christmas Supper and Entertainment event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

No action was taken on the agenda item regarding a General Assistance request. The requestor did not appear before the Board.

Motion made by Rasmussen, second by Temme to table action regarding Bobcat Lease/Rental Agreements with Kayton International until additional information is received. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Nathan Olson leases the County owned crop ground of 24.68 acres located in a fractional part of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. A fence line running east and west that was in existence in 2018 divided the County cropland lease and the County fairgrounds lease. Nathan Olson is the lessee of the surveyed County cropland lease south of the fence line and Boone County Agricultural Association, Inc. is the lessee of the surveyed County property north of the fence line known as the fairgrounds. On February 26, 2019 the Board and Olson discussed amending the Lease Agreement due date and amount because of the top soil (dirt) that has been removed/disturbed from a hill on the County cropland, due to the construction of a new livestock building on the County property known as the County Fairgrounds. In addition, some cropland top soil has been moved/disturbed south of the hill in the cropland leased area. The lease amount due for 2019 to be paid following harvest and the amount will be based on the harvested crop acres. Olson submitted documents regarding the 2019 corn crop harvested on the County cropland for the Board to review. Motion made by Temme, second by Rasmussen to approve and accept the 2019 cropland lease payment based on 20 acres of harvested crop at \$230.00 per acre from Nathan Olson as submitted. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

A Memorandum of Understanding was received for the Board to review and approve regarding Juvenile Services grants. The purpose of the Memorandum of Understanding (MOU) is to designate the Madison County Attorney's Office as the official applicant and "lead county" for the Nebraska Crime Commission's 2020 Community-Based Juvenile Services Grant application for Madison and Boone Counties. As such, the Madison County Attorney's Office will serve as the fiscal agent for the grant application program. Effective dates for the MOU will be from July 1, 2020 to June 30, 2021. Funds not used by Boone County will be used for other services in the Northeast Nebraska Juvenile Justice Partnership Plan. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Chairman to sign the Memorandum of Understanding for the Nebraska Crime Commission's 2020 Community-Based Juvenile Services Grant as presented. Roll call Vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



RDO Truck Center submitted documents for the Board to review and sign for delivery of the 2020 R-Way Trailer, Series T4623 ordered for the County Road Department. The cross-gate belly dump trailer arrived in Norfolk last week. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the necessary documents for delivery of the 2020 R-Way Trailer, Series T4623 in the amount of \$52,493.00 from RDO Truck Center as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

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

- Two of the motor graders are down for repairs.
- Plan on installing a monitor on the propane tank at the Road District #1 Shop, Cedar Rapids. The 600 gallon propane tank was filled on October 30, 2019 and already needs to be re-filled on November 26, 2019.
- The two new 2020 International Truck-tractors and the new 2020 R-Way cross-gate belly dump trailer have arrived at RDO Truck Center, Norfolk, NE.
- The County Highway Superintendent received notification that Boone County may receive approximately \$24,008.99 in Federal Funds for the flood damaged road repair of 300<sup>th</sup> Avenue between 305<sup>th</sup> and 310<sup>th</sup> Streets, southeast of Boone.

A Federal Fund grant agreement a/k/a Subaward Agreement is entered into by and between the County of Boone and the Nebraska Department of Health and Human Services (DHHS), Division of Children and Family Services Child Support Enforcement (CSE) Program. The purpose of this agreement is to account for the work of the Clerk of the District Court as it relates to Child Support Enforcement. This Subaward Agreement also offers the mechanism for DHHS to provide reimbursement to the County for child support related work. The term of the Subaward Agreement is in effect from October 1, 2019 through September 30, 2020, the completion date. The purpose of this agreement is for a cooperative arrangement with Boone County, Nebraska on behalf of the court pursuant to Nebraska Revised Statutes. The past years the Subaward Agreement arrived by mail with the signator being the Chairman of the Board of Commissioners. Beginning in 2018 the agreement arrived by email with the signator being an electronic signature. Motion made by Rasmussen, second by Temme to approve and authorize the Boone County Clerk of District Court to electronically execute the Subaward Agreement between the Nebraska Department of Health and Human Services and the County of Boone for the Child Support Enforcement Program from October 1, 2019 through September 30, 2020 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Andy Devine, Albion City Administrator, submitted an Interlocal Agreement for the Board to review between the County of Boone and City of Albion. The City of Albion requires a Street Superintendent and desires the Street Superintendent to be licensed with the State of Nebraska. Stacey L. Ziemba is a Class B Licensed County Highway Superintendent, a licensed Street Superintendent and a full time employee for the County of Boone. The County Highway Superintendent is a full time salaried employee of Boone County and City of Albion desires to remit payment directly to Boone County on a monthly basis for each month of this agreement. All parties on an annual basis shall review the Interlocal Agreement. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign Resolution No. 2019-43 an Interlocal Agreement between the County of Boone and City of Albion for licensed Highway and Street Superintendent services in effect for one year commencing on January 1, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



Jonny Dodge Chrysler Jeep, Inc. of Neligh, Nebraska submitted a Nebraska Purchase Contract for the Board to review and sign in order for Jonny Dodge to order the 2020 Dodge Durango pursuit package law enforcement vehicle that was discussed and approved on November 18, 2020. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Nebraska Purchase Contract to order a 2020 Dodge Durango pursuit package law enforcement vehicle in the amount of \$29,975.00 from Jonny Dodge Chrysler Jeep, Inc. as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Health Center – November 27, 2019.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- The Boone County Treasurer office received the proceeds for the Limited Tax County Road Bonds, Series 2019 on November 21, 2019.
- Brad Schick, UNL Extension Educator, Beef Systems, introduced himself to the Board. Schick said that he covers seven counties and is based out of the UNL Extension office in Fullerton.

Chairman Rasmussen declared the meeting adjourned at 11:07 A.M., with the next Board meeting scheduled for Monday, December 9, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
DECEMBER 9, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 9, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Alan Rasmussen, Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen 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. Motion made by Rutten, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$35,916.21; Road/Weed - \$176,917.44; County Visitor's Promotion - \$259.30; Inheritance Tax - \$2,500.00; 911 Emergency Management (2910) - \$449.16; 911 Wireless Service (2913) - \$490.86; Fair Building (4025) - \$692,824.50; and Ambulance - \$1,644.89. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of November 26, 2019 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the following reports of the County Officials as presented for November, 2019:

- Clerk - \$20,095.50 (State of Nebraska - \$12,337.85/County of Boone - \$7,757.65)
- Clerk of the District Court - \$871.10 (State of Nebraska - \$278.00/County of Boone - \$593.10)
- Sheriff - \$2,614.64
- County Planning & Zoning - \$245.00
- Treasurer – Misc. Receipt Nos. 17461-17517 - \$5,268,789.61; Total Collections - \$5,580,820.75.

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

The Board received Payment Application Nos. 11 & 12 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete, masonry, metal/framing, doors, windows, plumbing, electrical, utilities and thermal insulation. Motion made by Rasmussen, second by Temme to approve payment number eleven for \$194,359.41 and twelve for \$498,465.09 from Rathman Manning Construction for a total of \$692,824.50 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Tanya Sharp, Boone County Health Center, President/Chief Executive Officer, presented a Home Health Agency Renewal Licensure Application for the Board to review. The Boone County Health Center provides in home services for physical, occupational, speech and intravenous therapy; nursing; social work; and home health aide. The Boone County Health Center serves patients in the counties of Antelope, Boone, Greeley, Madison, Nance, Platte and Wheeler. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman and Vice Chairman to sign the Home Health Agency Renewal Licensure Application as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



The County of Boone, Nebraska and the Boone County Fitness Center, Inc. entered into a Lease that commenced as of the 1<sup>st</sup> day of January, 2017, for the following property owned by the county to be operated and leased as a fitness center, specifically Lots 6, 7, and 8, Block 9, Mansfield's Second Addition to Albion, Boone County, Nebraska. The initial term of said lease continued for a term of three years. The Boone County Fitness Center Board agreed with the automatic renewal terms for three successive years being 2020, 2021 and 2022 with no changes to the Lease dated January 1, 2017. Motion made by Rasmussen, second by Temme to approve renewal with no changes made to the Lease dated January 1, 2017 between the County of Boone, Nebraska and Boone County Fitness Center, Inc. for three successive years being 2020, 2021 and 2022. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board in accordance with Nebraska Revised Statute §77-2318 approves the applications and authorizes the deposit of county funds in designated banks as County Depositories each year. Motion made by Rutten, second by Temme to approve as written Resolution No. 2019-44 to accept and approve the written applications of the following designated County Depositories of the County Funds for calendar year 2020: Boone County Bank, a division of Madison County Bank, Albion; Cedar Rapids State Bank, Cedar Rapids; Cornerstone Bank, York and Albion and St. Edward Branches; First Bank & Trust of Fullerton, St. Edward Branch; Great Plains State Bank, Petersburg; and Homestead Bank of Cozad, Albion Branch. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board received an Agreement to review for a highway improvement project in Boone County. The Agreement is between Boone County, Nebraska and the State of Nebraska, Department of Transportation for Project No. STP-14-3(119), in Albion, Petersburg and Elgin. The construction may involve the obliteration or destruction of land survey corners and witness corners. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Agreement for Project No. STP-14-3(119), in Albion, Petersburg and Elgin between Boone County, Nebraska and the State of Nebraska, Department of Transportation for registered land surveyor services as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Steve Pritchard, Extension Educator, submitted a written request for the Boone-Nance County Extension Board's member recommendation. The Boone-Nance County Extension Board has four representatives from each county. The board members may serve two consecutive three-year terms. The board meets quarterly, alternating the meetings between the counties. Roger Voichoski of Albion has completed his first term. The Boone-Nance County Extension Board recommends the re-appointment of Roger Voichoski of Albion to serve his second three-year term on the Boone-Nance County Extension Board beginning January 2020. Motion made by Rutten, second by Rasmussen to re-appoint Roger Voichoski to serve his second three-year term on the Boone-Nance County Extension Board beginning January 2020. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Boone County and Greeley County Board of Commissioners entered into their first County of Greeley/County of Boone, NE Interlocal Agreement for cooperative services to veterans in March of 2015. The cooperative agreement enables the Boone County Veteran Service Officer to also serve as the Greeley County Veteran Service Officer. The Boone County Veteran Service Officer spends approximately one day a week in Greeley County. The yearly compensation from Greeley County to Boone County has been the same amount since 2015 and currently is not covering the one day a week wages and travel expenses. The Greeley County Attorney prepared a new Interlocal Agreement for the Board to review. Motion made by Temme, second by Rutten to approve an Interlocal Agreement for the year 2020 between County of Greeley and County of Boone for cooperative services to veterans as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Board reviewed a document acknowledging that EMS Billing Services, Inc. was acquired by Quick Med Claims, LLC. The County of Boone, Nebraska has an agreement with EMS Billing Services, Inc. for billing services for the Boone County Ambulance Services transporting of patients from/to the Boone County Health Center to another facility. The Agreement shall continue in full force and effect in accordance with its terms. Motion made by Rutten, second by Rasmussen to acknowledge receipt of the document assigning the Agreement with EMS Billing Services, Inc. to Quick Med Claims, LLC and authorize the Board Chairman to sign said document. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects.

Stacey Ziemba, County Highway Superintendent, asked the Board to review the hourly starting wage for full-time newly hired road employees, because two of the recently hired full-time road employees are looking for different employment as they feel the \$14.00 per hour is too low of an hourly wage. Ziemba said that the Nebraska Department of Transportation recently changed road workers starting wage to \$16.00 per hour. Denny Johnson, Sheriff, and Ziemba discussed the challenge of attracting and keeping employees with the county current starting hourly wage scales that were just changed and became effective January 2019. The current starting hourly wage for road employees is \$14.00-\$15.00 and jailer/dispatchers \$11.00-\$12.00, depending on experience and required certifications. The Board discussed with Ziemba, Johnson and County Attorney office employee Pam Jochum, that an employee needs to include their respective County paid benefits of retirement and health insurance premium each month in order to know what they are making per hour based on a forty hour work week. The County pays the full NACO BCBS (employee and family) health insurance premium and employee dental. In addition, the group noted that the employment turnover of jailer/dispatchers may be the responsibility of 911 calls, etc. and working nights/weekends. The Board plans to check the starting wages/benefits of the neighboring counties. No decision was made by the Board.

The Board heard a County Burial request. The Board explained to the requestor the County protocol procedure and the requestor completed an application for county burial. Motion made by Rutten, second by Temme to approve the requestor's share of the burial expense directly to Levander Funeral Home. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board heard a General Assistance request for utilities (water, sewer, garbage). The Board explained to the requestor the County protocol procedure and that the County does not pay the taxes, late fees or reconnect fee associated with the utility billing. The Board informed the requestor that this is a one-time assistance. Motion made by Rasmussen, second by Temme to approve partial payment of the utility billing less the taxes, late fees and reconnect fee, through November 30, 2019 directly to the entity. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: BCDA, Inc. – December 10, 2019; Boone County Agricultural Society, Inc. special meeting – December 11, 2019.
- Commissioner Temme updated the Board regarding a meeting with a group of individuals discussing the funding of flooring, furnishings and bond payments for the new building at the fairgrounds through grants, fundraisers and the pledges.

Chairman Rasmussen declared the meeting adjourned at 12:43 P.M., with the next Board meeting scheduled for Monday, December 16, 2019.



# Boone County Board Minutes



Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
DECEMBER 16, 2019  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 16, 2019, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order and Commissioners present for roll call were Larry Temme, Ben Rutten and Alan Rasmussen. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of December 9, 2019 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

As provided by State Statute, Section 23-1302, the County Clerk shall certify to the County Treasurer as of June 15 and December 15 each year the total amount of unpaid claims of the county. Motion made by Rasmussen, second by Temme to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County of Boone, Nebraska's present Public Defender Agreement expires January 1, 2020. The County had received information that there is possibly interest in the appointed Public Defender position. The Nebraska State Statutes §23-3401 through §23-3408 addresses the Public Defender position. On October 21, 2019 the Board addressed the appointment of a policy board (§23-3405) that consists of three members. The Boone County Public Defender Policy Board consisted of three neighboring out-of-county individuals. The Public Defender Policy Board met on December 11, 2019 and interviewed the applicants. The applicants were highly qualified to serve as the Boone County Public Defender. The Board discussed the position and after serious consideration of the highly qualified applicants decided to re-appoint the current Boone County Public Defender. Motion made by Rutten, second by Rasmussen to re-appoint Jeffrey C. Jarecki as Boone County Public Defender for a total compensation of \$80,597.09 for the two year term of 2020 and 2021. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Road employee. Motion made by Rutten, second by Temme to accept and approve the resignation of Dennis Lough effective January 7, 2020 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board and Highway Superintendent discussed the status of the building that was damaged and removed in 2018 at the County Road Department, District #3, in Petersburg on November 12, 2019. The Board decided to proceed with a steel structure and publish a notice for sealed bids pursuant to state statutes on November 18, 2019. The Board received two sealed bids to open at 10:00 A.M. on Monday, December 16, 2019. The bids for a Steel Building, 42' x 40' x 16' Sidewalls, three framed openings with no doors and labor: Bob Thompson Construction, Cedar Rapids - \$31,941.00 and C & J Construction LLC, Albion - \$32,460.00. The quotes are only for the building material and labor to erect said building. The Board discussed removal of the old concrete floor that was not removed with the damaged building. The consensus of the Board is that the County will remove the concrete floor, level the ground and use rock for the floor in the new building. The building quotes do not include any costs for options, such as gutters, etc. or costs for the footings, perimeter cap, material, etc.





# Boone County Board Minutes



Motion made by Rasmussen, second by Rutten to approve and accept the quote as presented for the building material and construction of a 42' x 40' steel building from Bob Thompson Construction of Cedar Rapids, Nebraska, to replace the building that was damaged and removed in 2018 at the County Road Department, District #3 in Petersburg and to be completed before June 1, 2020. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board conducted an employment evaluation with Rod Nelson, Courthouse Maintenance.

The Board conducted an employment evaluation with Mary Ziemba, Zoning Administrator.

The Board conducted an employment evaluation with Jack Nordeen, County Weed Superintendent/Sign Technician.

The Board conducted an employment evaluation with Jacqueline Wells, County Veteran Service Officer.

The Board conducted an employment evaluation with Stacey Ziemba, County Highway Superintendent.

## Public Comments:

- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. special meeting held on December 11, 2019.
- County Highway Superintendent informed the Board that the County received \$1,000.00 from the NIRMA ASSIST Safety Incentive Program for the purchase of safety equipment such as safety glasses, gloves, etc. for use by the county road employees.
- County Sheriff and Chief Deputy Sheriff updated the Board regarding Law Enforcement activities.

Chairman Rasmussen declared the meeting adjourned at 1:06 P.M., with the next Board meeting scheduled for Friday, December 27, 2019.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 27, 2019 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session on Friday, December 27, 2019 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Rasmussen called the meeting to order at 9:00 A.M. and Commissioners present for roll call were Alan Rasmussen, Ben Rutten and Larry Temme. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed the County Payroll Claims filed for the pay period of November 22, 2019 through December 21, 2019. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$102,749.49, BCBS \$48,375.60, Ameritas Ret \$7,115.61, EFTPS \$7,685.86, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$125.60; Road \$64,165.96, BCBS \$33,426.40, Ameritas Ret \$4,331.21, EFTPS \$4,845.18; Ambulance \$3,690.24, Ameritas Ret \$100.60, EFTPS \$282.31; and Public Defender Contract \$3,213.60. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Proceedings of December 16, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time county law enforcement deputy trainee. Motion made by Rutten, second by Temme to accept and approve the resignation of Michael Lipker as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The primary use of the Visitor's Promotion Fund is to promote, encourage and attract visitors to come to the county through advertisement of the event. The Boone County Visitors Promotion Committee previously approved three requests for advertisement funding.

The Petersburg Community Club requested assistance to advertise the Puttin in P-Town event scheduled for January 25, 2020. Motion made by Temme, second by Rasmussen to approve the application requesting funding assistance for advertisement of the Puttin in P-Town event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Boone County Agricultural Society, Inc. requested assistance to advertise the Dueling Pianos fundraiser event scheduled for February 15, 2020. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the Dueling Pianos fundraiser event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Boone County Agricultural Society, Inc. requested assistance to advertise the Boone County Fair concert scheduled for July 14, 2020. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Boone County Fair concert from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying or doing any major maintenance to equipment or furniture over \$800.00, per the January 2019 Board



# Boone County Board Minutes



Reorganizational Meeting Proceedings. The County Clerk/Election Commissioner/Register of Deeds office, presented a quote to the Board for their review regarding the purchase of three new Dell Optiplex Workstations from Applied Connective Technologies. The office's three workstations were purchased in 2013 and one of the workstations is having issues. The three workstations are connected with the same email and all office programs, therefore it is best to replace the three workstations at the same time. Motion made by Temme, second by Rasmussen to approve the purchase of three new Dell Optiplex Workstations for approximately \$3,123.00 from Applied Connective Technologies for the County Clerk's office. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board, John Morgan, County Attorney, and Stacey Ziemba, County Highway Superintendent, discussed the Lynn Kaufmann property matter. Morgan said that he had been contacted by an attorney on behalf of the property owner. The County Clerk's office research of Board Proceedings, etc. dating back to 1989 reflect several discussions over the years in regard to a portion of road known as 320<sup>th</sup> Avenue between Sections 10 and 11, Township 18 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The proceedings reflect studies of said area, but do not reflect a public hearing or final action. The County Highway Superintendent said a bridge was removed several years ago and replaced with two culverts which are often plugged with debris from the Bogus Creek and drainage area. The County Highway Superintendent informed the group that Brian McDonald, JEO Consultant Group, and Chris Hays, County Surveyor, are aware of the situation and are working on a study for the best efficiency for the water flow. In addition, the County Highway Superintendent has contacted the Army Corps of Engineers due to the involvement of a waterway. Brandi Yosten, Attorney, was present for the discussion.

Jeff Jarecki was appointed Boone County Public Defender in August of 2012. Jarecki reported that the cases assigned in 2012 through 2017 are all completed and only one juvenile case remains open for 2018. Jarecki reported that he has been assigned thirty-eight cases to date for 2019 of which twenty-six are closed, eleven are open and one case was a conflict of interest. Jarecki explained to the Board that some juvenile cases take a long time to complete and that some individuals may have more than one case. Juvenile cases may remain open until the court case is resolved or the age of nineteen. Jarecki answered the Board's questions regarding conflict of interest and closed/open cases. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved. Jarecki explained that his office tries to emphasize rehabilitation for those facing criminal charges and treat the individuals with respect. The Board thanked Jarecki for the updated report and his diligent services. Jarecki thanked the Board and is very appreciative of the contract for public defender services. Motion made by Temme, second by Rutten to accept the Boone County Public Defender report as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Nebraska State Statutes §23-3401 through §23-3408 addresses the Public Defender position. The Board re-appointed Jeffrey C. Jarecki, Boone County Public Defender for the years 2020 and 2021 at their December 16, 2019 Board meeting. Motion made by Rasmussen, second by Rutten to approve and authorize the Board Chairman to sign a Public Defender Agreement, re-appointing Jeffrey C. Jarecki for the two year term of 2020 and 2021 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Larry Bird, Friends of the Trail Committee Chair, met with the Board to discuss a landscape/tree planting plan for the Boone County Trails System located on County property. Bird informed the group that a planning meeting is scheduled for 1:30 p.m. on Friday, February 7, 2020 with a state forester and landscape designer to look at the trail and possibly make some recommendations.



# Boone County Board Minutes



The Board heard a County Burial request. The Board explained to the requestors the County protocol procedure and the requestors completed an application for county burial. The requestors were informed that normally the request for a County funeral/burial takes place before the family makes arrangements. The requestors were informed that a partial burial expense was approved for the same individual funeral/burial by the County on December 9, 2019. The Board informed the requestors of the maximum amount that the County provides, per resolution, for an individual (county resident) funeral/burial expense. Motion made by Rasmussen, second by Temme to approve the maximum amount that the County provides for an individual burial/funeral expense paid directly to the Levander Funeral Home and that the balance of said funeral/burial expenses is incurred by the family. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The County of Boone, Nebraska and the City of Albion, Nebraska entered into a lease agreement per resolution in 2012, relating to the rental use of space in the Old Albion Fire Hall. The old fire hall property has been sold. Motion made by Rutten, second by Temme to approve Resolution No. 2019-45, terminating and taking precedence over all prior resolutions, leases and agreements, written or verbal, between the County of Boone and City of Albion that pertained to the lease of space located at the Old Albion Fire Station. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Nebraska Revised Statute §23-1114 provides that “The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.” The General Election is to be held in 2020, the only elective county office to be on the ballot is County Commissioner for District No. 2. The Board discussed a 1.48% increase of the yearly salary from the 2019 and 2020 of \$23,650.00 to \$24,000.00. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2019-46, setting the elected Board of Commissioners salaries of County of Boone, Nebraska as follows for the calendar year 2021 - \$24,000.00 and 2022 - \$24,000.00. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Wellness Partners of McCook, NE has provided a Preventive Health Fair for County employees since 2014. There is a minimum of ten participants in order for Wellness Partners to provide the services. The Health Fair for employees is tentatively scheduled for March 10, 2020 at the Boone County Courthouse. Motion made by Temme, second by Rasmussen to approve Wellness Partners Health Fair for employees/spouse/family participation at the employee’s discretion. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Barb Hanson, County Assessor, updated the Board regarding the Assessor’s office activity.

Mary Ziemba, County Zoning Administrator, asked the Board to table the discussion regarding the Interlocal Agreement and zoning services with the City of St. Edward to a later date. Motion made by Rasmussen, second by Rutten to table the City of St. Edward Interlocal Agreement and zoning services discussion to a later date per Zoning Administrator request. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

On December 9, 2019 the County Highway Superintendent and Sheriff discussed the hourly starting wages for new employees in the road and law enforcement departments with the Board. The new starting hourly wages for employees were increased beginning January 2019 from the previous years. The current starting hourly wage in 2019 for road employees is \$14.00-\$15.00 and jailer/dispatchers \$11.00-\$12.00, depending on





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experience and required certifications. Johnson and Ziemba discussed the challenge of attracting and keeping quality employees with the county's current starting hourly wage scales. The Board discussed with Johnson and Ziemba that an employee needs to include their respective County paid benefits of retirement and health insurance premium each month in order to know what they are making per hour based on a forty hour work week. The County pays the full NACO BCBS (employee and family) health insurance premium and employee dental. In addition, the group noted that the employment turnover of jailer/dispatchers may be the responsibility of 911 calls, etc. and working nights/weekends.

Denny Johnson, County Sheriff, read a statement he prepared and presented information that he gathered from other counties regarding starting hourly wages for non-certified jailers/dispatchers that work in law enforcement/sheriff offices since the December 9, 2019 Board meeting. Johnson said that you see signs up and down the roadways that say now hiring, starting wage of \$11.00. Johnson said that he is unable to hire quality individuals for the jailers/dispatchers positions with a starting wage of \$11.00-\$12.00 per hour. Johnson said that the law enforcement employees are responsible for the safety and lives of the public and that the law enforcement positions should be paid more per hour in accordance with their public responsibilities.

After a lengthy discussion and Johnson's presentation the Board agreed that the starting hourly wage for the jailers/dispatchers should be increased due to their responsibilities, that they are a twenty-four hour facility for prisoners in jail and that 911 dispatching now includes Nance County. Motion made by Temme, second by Rutten to increase the Law Enforcement/Sheriff office base wages as follows: dispatchers/jailers starting base wage range from \$11.00-\$12.00 to \$12.00-\$13.00; communications director/office supervisor from \$12.00-\$13.00 to \$13.00-\$14.00; with dispatchers regularly scheduled to work the midnight shift (10:00 P.M.-8:00 A.M., Midnight to 8:00 A.M. or 10:00 A.M. a differential from ten cents to fifty cents and if the dispatcher switches to day shifts the fifty cents is removed from their hourly wage; deputy sheriff/non-certified from \$15.00-\$16.00 to \$16.00-\$17.00; and sheriff deputy certified from \$16.00-\$18.50 to \$17.00-\$19.50, retroactive for January 2020 pay period that begins December 22, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County of Boone, Nebraska is the owner of the real estate being a fractional part of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township Twenty (20) North, Range Six (6) West of the 6<sup>th</sup> P.M., Boone County, Nebraska commonly known as the Boone County Fairgrounds. The County Board of Commissioners has power to lease or sell real estate owned by the County in accordance with Nebraska State Statutes. The County Board shall hold an open and public hearing in accordance with Nebraska State Statute §23-107.01 prior to any such lease at which time any interested party may appear and speak for or against the lease and raise any issue concerning the County Board leasing said property. A public notice of any such public hearing shall be run once each week for two consecutive weeks prior to the hearing date. Motion made by Rasmussen, second by Temme to advertise the weeks of December 30, 2019 and January 6, 2020 to hold a public hearing at 11:00 A.M. on Monday, January 13, 2020 for the lease of real estate owned by the County, specifically a fractional part of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township Twenty (20) North, Range Six (6) West of the 6<sup>th</sup> P.M., Boone County, Nebraska commonly known as the Boone County Fairgrounds. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

## Public Comments:

- Denise Ziemba, Region 44 Emergency Manager, updated the Board regarding Emergency Management activities.
- Stacey Ziemba, County Highway Superintendent, updated the Board regarding road equipment.



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Chairman Rasmussen declared the meeting adjourned at 1:07 P.M., with the Board 2020 Reorganizational meeting scheduled for Monday, January 6, 2020 and the next regular Board meeting scheduled for Monday, January 13, 2020.

Kathy Thorberg,  
Boone County Clerk



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## **MINUTES OF PUBLIC HEARING PROCEEDINGS ZONING APPLICATION FOR CONDITIONAL USE PERMIT**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Friday, December 27, 2019 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme and second by Commissioner Rasmussen to open said public hearing. Present for roll call were Commissioners Larry Temme, Alan Rasmussen and Ben Rutten. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Gale Schafer, representative for the Applicants. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Chairman Rasmussen acknowledged the publication notice for the record.

The purpose of the public hearing is to hear testimony in favor of, opposition to, and to answer questions regarding the approval or denial of an Application for Conditional Use Permit submitted by Eric and Kara Frey. James F. Frey and Joleen M. Frey are the property owners of the real estate referenced herein. The application requested that 5.26± acres of which 0.26 acres more or less is occupied by County Road Right-of-Way be divided from a parcel of farm land located in a fraction of the SE1/4 NE1/4 of Section 28, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Gale Schafer explained to the Board that the purpose for dividing the 5.26± acres from the parcel of farm land is for the construction of a new residential home on family property. A survey for 5.26± acres is completed and attached to the application. The Boone County Planning and Zoning regulations require conditional use permits in order to split off any parcels of less than 160 acres within the A-1, Agricultural Primary District, which gives priority to agricultural land uses.

The Boone County Planning Commission Board recommended approval to divide 5.26± acres from the parcel of farm land for the construction of a new residential home on family property. Ziemba informed the Board that a Waiver of Distance had been signed as requested by the Boone County Planning Commission.

Motion made by Rasmussen, second by Rutten to close said public hearing at 10:05 A.M. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the Conditional Use Permit submitted by Eric and Kara Frey to divide 5.26± acres of which 0.26 acres more or less is occupied by County Road Right-of-Way from a parcel of farm land located in a fraction of the SE1/4 NE1/4 of Section 28, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska for the construction of a new residential home on family property. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk