



# Boone County Board Minutes



## **2020 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 6, 2020, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Alan Rasmussen, 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 Rutten. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Rasmussen noted that the Open Meeting Laws are posted and available to the public.

Motion made by Temme, second by Rutten to appoint Alan Rasmussen as Chairman of the Boone County Board of Commissioners for the year 2020. Roll call vote: Yeas: Temme and Rutten. Abstain: Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to appoint Larry Temme as Vice Chairman of the Boone County Board of Commissioners for the year 2020. Roll call vote: Yeas: Rutten and Rasmussen. Abstain: Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen that the budget committee for the ensuing 2020-2021 budget year is the Boone County Board of Commissioners, Boone County Clerk and Boone County Treasurer. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to reappoint Schmeits, Mueller & Martinsen, P.C., Richard Martinsen, CPA, Albion, Nebraska, to prepare the County Budget for the 2020-2021 budget year, to be paid from the County General fund. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to reappoint Stacey L. Ziemba, Fullerton, Nebraska, as full time County Highway Superintendent under the supervision of the County Board for 2020. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to reappoint 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 2020. In addition, the office may employ an As-Needed employee at less than 19 hours per week at the discretion of the Board. 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 Temme, second by Rutten 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, 2020 and continue until January 1, 2022. Roll call vote: Yeas: Temme, Rutten 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 2020. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme 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 2020. Roll call vote: Yeas: Rutten, Temme and Rasmussen. 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 2020. 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 Rutten, second by Rasmussen 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 2020. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to appoint Ben Rutten as County Weed Superintendent supervisor for 2020. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to appoint Alan Rasmussen as Courthouse Custodian supervisor for 2020. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to appoint the Boone County Sheriff and his staff to be the E911 Coordinator for 2020. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to appoint the Boone County Clerk as the Title VI representative for 2020. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to appoint the Boone County Veteran Service Officer as the American with Disabilities Act (ADA) Coordinator for 2020. 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 Rutten to appoint the Boone County Clerk as the contact person for Boone County for the NIRMA Insurance for 2020. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.



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Motion made by Temme, second by Rasmussen 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 supervision of the County Board for 2020. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme 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 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, Temme and Rutten. 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 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 Temme, second by Rasmussen 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; and Homestead Bank (Albion Branch), Cozad, 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: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme 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: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten 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: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the IRS mileage reimbursement rate of 57.5 cents per mile, effective January 1, 2020 as referenced in the Boone County Employee Handbook. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



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Motion made by Rutten, second by Rasmussen to approve County meal reimbursable dollar amount, as referenced in the Boone County Employee Handbook, for 2020 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 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 Rutten, second by Temme 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 2020 and shall be used beginning April 24, 2020 and before December 21, 2020, if floating holiday is not used by employee, employee shall lose the benefit. **In addition**, the Board decided that the Courthouse will close at noon on December 24, 2020, with County full time employees scheduled to work receiving pay as follows:

## Courthouse Employees:

- 8:00 AM – 12:00 PM Regular pay for worked hours as evidenced by the timeclock.
- 12:30 PM – 4:30 PM Regular pay for courthouse closed hours.

## Road Employees:

- 7:00 AM – 11:00 AM Regular pay for worked hours as evidenced by the timeclock.
- 11:30 AM – 3:30 PM Regular pay for courthouse closed hours.

Employees on scheduled vacation leave on a day that the County closes the courthouse, will not be allowed to alter their vacation leave as scheduled to take advantage of the closure.

## Sheriff's Office (Employees scheduled to work/Employees called in to work:

- 8:00 AM – 12:00 PM Regular pay for worked hours as evidenced by the timeclock.
- 12:00 PM – 4:00 PM Overtime rate of pay (1 ½) times the regular rate of pay) for time worked as evidenced by the timeclock.
- Non-scheduled employees receive no compensation for the December 24, 2020 four hour closure.

The Courthouse “Closed” notices will be posted by Board directive on the north and west outside entrance courthouse doors. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Temme 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: Rutten, Temme and Rasmussen. Nays: None. Motion carried.





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Motion made by Rasmussen, second by Temme that agenda items must be provided to the Boone County Clerk's Office no later than noon (12:00 P.M.) on the Friday preceding a Board meeting in order to be considered for said Board meeting. Any agenda item submitted after 12:00 P.M. on Friday preceding a Board meeting will be an agenda item for the next scheduled Board meeting. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen 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 2020. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

As required by Nebraska State Statute §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 2020: Region 44 Emergency Management Director; County Sheriff; Board of Commissioners; County Highway Superintendent; County ADA Coordinator; and Custodial Maintenance Supervisor; (2) a tornado drill will be held in March at the same time/date as the Statewide tornado drill; (3) fire drills will be conducted in May and October; (4) Ben Rutten, Commissioner, will serve as safety chair and Rod Nelson, Maintenance, courthouse safety coordinator; and (5) the Safety Committee meetings are tentatively scheduled for February 18, May 18, August 17, and November 16, 2020, commencing at 9:00 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten that the Boone County Board of Commissioners will hold their Board meetings on Monday's **except** for the first Monday of each month; no meeting scheduled for March 30, August 31, and November 30, 2020; and when a payroll meeting is scheduled on a different day of the week than Monday in the year 2020, 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. The Board meeting dates for 2020 were approved on November 12, 2019 and 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 27, February 26, March 25, April 27, May 27, June 24, July 27, August 26, September 28, October 26, November 25 and December 28, 2020. 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.

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 Rasmussen to make no changes in 2020 to the above adopted pre-designated list approved in December 2013. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.



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Motion made by Rutten, second by Temme 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: Rutten, Temme and Rasmussen. 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 Temme, second by Rutten 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	(2020-2021)
Boone County Sheriff's Department, shall serve two years	(2020-2021)
Albion Chief of Police, shall serve one year	(2020)

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

Motion made by Rutten, second by Temme 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:

Jeri Wies	(2018-2020) – 1st term
Ken Schriver	(2018-2020) – 2nd term
Amanda Mogensen	(2019-2021) – 2nd term
Roger Voichoski	(2020-2022) – 2nd term

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

Motion made by Rasmussen, 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)
Brian Yosten	(2019-2022)

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

Motion made by Temme, second by Rutten 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, 2020:



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Paul Groeteke, Brad Stephens and Clyde Stuhr (2020)  
Justin Frey, Mark Jensen and Morgan Mogensen (2020-2021)  
Chris Baum, Mark Wagner and Shelley Towey (2020-2022)

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

Motion made by Rasmussen, second by Temme that the following members of the Boone County Board of Adjustment are appointed to the following terms of office, effective January 1, 2020:

Paul Kettelson and Mark Jensen (2020)  
John Frey (2020-2021)  
H. Thomas Fick and Deb Mitchell (2020-2022)  
Vacancy Alternate

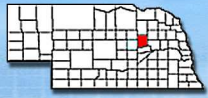
Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Appointment to the various boards that the County of Boone, Nebraska is associated with for 2020:

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 Rutten
BCDA, Inc.	Larry Temme Alan Rasmussen
Central Nebraska Joint Housing Authority, Loup City	Larry Temme Ben Rutten - Alternate
East-Central District Health Department, Columbus	Alan Rasmussen Larry Temme – Alternate
Local Emergency Planning Committee (LEPC)	Ben Rutten
Northeast Nebraska Area Agency on Aging, Norfolk	Larry Temme Ben Rutten - Alternate



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Northeast Nebraska Juvenile Services, Inc., Madison

Ben Rutten

Alan Rasmussen - Alternate

Region 4 Behavioral Health System, Norfolk

Alan Rasmussen

Larry Temme - Alternate

Region IV, Inc. / NorthStar Services, Wayne

Ben Rutten

Alan Rasmussen – Alternate

Region 44 Emergency Services Supervisory Committee

Ben 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.

Ben Rutten

Boone County Health Center

Alan Rasmussen

Motion made by Rutten, second by Temme to accept and appoint the Local Emergency Planning Committee (LEPC) members for 2020 as submitted by the Region 44 Emergency Manager:

Albion Fire and Rescue	Bruce Benne
RROMRS	Dennis Colsden
Albion News	Jim Dickerson
Petersburg Fire and Rescue	Kim Fangman
St Edward Fire	Richard Good
Boone Central Schools	Nicole Hardwick
Cedar Rapids Fire and Rescue	Adam Holka
Boone County Sheriff	Denny Johnson
Helena	Morgan Jones
Riverside School	Stephanie Kaczor
Cedar Rapids Fire and Rescue	Lisa Kennedy
Boone County Health Center	Anthony Kusek
State Dept. of Roads	Jon Lindgren
Albion PD	Brent Lipker
Valero Renewables	Sarah Moeller
St Edward PD	Monte Olson
SERC	James Rashilla
Boone County Commissioners	Ben Rutten
Tallgrass Energy	Val Snyder
Tallgrass Energy	Josh Thayer
East Central District Health Dept.	Tyler Woodard
Boone County Health Center	Amy Zaruba
Region 44	Denise Ziemba
Boone County Hwy Dept.	Stacey Ziemba





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

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

Chairman Rasmussen declared the 2020 Boone County Board of Commissioners Reorganizational meeting adjourned at 10:24 A.M.

Kathy Thorberg,  
Boone County Clerk



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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JANUARY 13, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:07 A.M. on Monday, January 13, 2020, 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. The Board reviewed the claim submitted by Vendor ID No. 1814 and discussed the substantial difference between the estimate submitted on October 21, 2019 and the invoice submitted for payment after the project was completed. The Vendor had contacted Board members and discussed the reasons for the invoice difference within the labor, machine rental, etc. regarding the road building repair project. Motion made by Rutten, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$69,835.07; Road/Weed - \$399,177.77; Boone County Visitor's Promotion - \$500.00; Veteran's Aid - \$2,000.00; 911 Emergency Management (2910) - \$1,755.65; 911 Wireless Service (2913) - \$4,636.66; Ambulance - \$4,369.45. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board accepted and approved a written resignation from a full-time County Road employee at their December 16, 2019 Board meeting. Motion made by Rasmussen, second by Temme to approve a Payroll Claim filed for payment on the Road Fund for a net amount of \$1,150.21 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims 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 Proceedings of December 27, 2019 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board Zoning Public Hearing Proceedings of December 27, 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 of Equalization Public Hearing Proceedings of December 27, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Reorganizational Proceedings of January 6, 2020 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 Reorganizational Proceedings of January 6, 2020 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.



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

- Clerk - \$35,800.50 (State of Nebraska \$24,521.70)(County of Boone \$11,278.80)
- Clerk of the District Court - \$614.64 (State of Nebraska \$116.00)(County of Boone \$498.64)
- Sheriff - \$2,553.85
- County Planning & Zoning - \$26.25
- Treasurer - Miscellaneous Receipt Nos. 17518-17585-\$434,395.03; Total Collections - \$4,085,161.90

Roll call vote: Yeas: Rutten, Rasmussen 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, 2019. 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, 2019 through December 31, 2019. Motion made by Rasmussen, second by Temme to accept and approve the County Treasurer's Semiannual Statement 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 two requests for advertisement funding.

Albion Area Arts Council requested assistance to advertise the Mary Avidano Prose and Poetry Reading event scheduled for Sunday, January 26, 2020. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Mary Avidano Prose and Poetry Reading event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The St. Michael's Parish of Albion requested assistance to advertise the St. Michael's Parish fundraiser event St. Patrick's Carnival scheduled for March 15, 2020. Motion made by Rasmussen, second by Rutten to approve the application requesting funding assistance for advertisement of the St. Patrick's Carnival fundraiser event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Nebraska Revised Statutes, Section 49, provides that County officers with an interest in any contract to which his or her governing body or anyone for its benefit is a party must disclose the interest on the record of the governing body responsible for approving the contract. Commissioner Larry Temme submitted a NADC Form C-3, Contractual Interest Statement for the Board to review. Commissioner Temme is the owner of Rae Valley Market, a grocery store where the County may possibly purchase paper products and food items. This is a non-exclusive open contract between the County of Boone, Nebraska and Rae Valley Market, LLC. Motion made by Rasmussen, second by Rutten to approve the non-exclusive open Contractual Interest Statement for calendar year 2020 between the County of Boone, Nebraska and Rae Valley Market, LLC. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Abstain: Temme. Motion carried.



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In accordance with the Boone County Employee Handbook “Use of County Vehicles” the County owned vehicles are to be driven by County employees only. County employees should not make a practice of traveling in County-owned vehicles with persons who are not County employees. Any unauthorized person traveling in a County-owned vehicle does so at his/her own risk. There are some exceptions acknowledged in the employee handbook that apply for transfer of prisoners and veterans and use by independent contractors for the County. There are times that other Elected or Appointed Officials and full-time employees may ask to carpool to meetings, trainings, etc. that are associated with County Government employment. Motion made by Temme, second by Rutten to approve allowing other non-Boone County Elected or Appointed Officials and full-time employees to occupy a Boone County vehicle with a Boone County employee that is being used for transportation to meetings, trainings, etc. for the calendar year 2020, with the Boone County employee acknowledging the passenger on the County Vehicle calendar. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to table the Boone County Veterans Service Officer 2019 year-end report to a later date, due to the Veteran Service officer was unavailable to attend the Board meeting. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed the year end June 30, 2019 audit report prepared by Schumacher, Smejkal, Brockhaus & Herley, P.C., Certified Public Accountants. A “Notice of Completion of Audit” was submitted to the Albion News for publication the week of January 13, 2020. Motion made by Temme, second by Rasmussen to accept and approve the audit as presented for fiscal year ending June 30, 2019 and said audit is on file with the Boone County Clerk and the Nebraska Auditor of Public Accounts. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff’s office employee. Motion made by Rasmussen, second by Rutten to accept and approve the resignation of Amber Hall effective January 29, 2020 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Charles J. Carlson, Trustee, requested permission to trench an electrical line across a county road commonly known as 340<sup>th</sup> Avenue running north and south on the Boone/Platte County line. The electrical line commences from a utility pole (Cornhusker Public Power) located on the east side of 340<sup>th</sup> Avenue (Platte County); thence running west to an existing irrigation well located in the NE1/4 of Section 36, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M. Boone County, Nebraska. The request is to convert the existing irrigation well from fuel to electric. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2020-01, granting permission to Charles J. Carlson, Trustee to trench an electrical cable across a county road known as 340<sup>th</sup> Avenue to the NE1/4 of Section 36, Township 20 North, Range 5 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.

Cornhusker Public Power requested permission to bury an electrical cable across a county road commonly known as 210<sup>th</sup> Avenue running north and south between Sections 35 and 36, all in Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical cable commences from a utility pole on the east side of 210<sup>th</sup> Avenue; thence running west for installation of a 3 phase line/pole on the west side of 210<sup>th</sup> Avenue. Motion made by Temme, second by Rutten to approve Resolution No. 2020-02, granting permission to Cornhusker Public Power to bury an electrical cable across a county road known as 210<sup>th</sup> Avenue to Sections 35 and 36, Township 20 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for installation of a 3 phase line. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



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. Jack Nordeen, Boone County Weed Superintendent, submitted the 2019 year-end/2020 year-anticipated weed report for the Board to review. 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.

## Public Comments:

- Meetings: BCDA, Inc. – January 14, 2020; Boone County Trails System Committee – January 14, 2020; Northeast Nebraska Area Agency on Aging – January 16, 2020; LEPC – January 21, 2020; Boone County Agricultural Society, Inc. – January 21, 2020; East-Central District Health Department – January 23, 2020; Northeast Nebraska Juvenile Services – cancelled the January 2020 meeting.
- Commissioner Rasmussen updated the Board regarding the Advisory committee meeting for/during construction of new building at the Boone County Fairgrounds on January 8, 2020.
- 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 12:32 P.M., with the next Board meeting scheduled for Tuesday, January 21, 2020.

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, January 13, 2020 at 11:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Motion made by Commissioner Temme, second by Commissioner Rasmussen 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, Alan Rasmussen and Ben Rutten. Also present for said hearing was Chuck Rolf, Boone County Agricultural Society, Inc. representative. 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 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, containing 53.61 acres more or less of which 2.23 acres more or less is occupied by Road R.O.W., except the County Communications Tower 0.32± acres. 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.

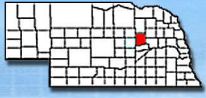
The County Board of Commissioners ran a public notice the weeks of December 30, 2019 and January 6, 2020, prior to the hearing date of January 13, 2020 in the Albion News newspaper in accordance with state statute to lease county owned real estate.

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 County of Boone, Nebraska is the owner of the real estate (Warranty Deed dated March 23, 1944) together with all the tenements, hereditaments, and appurtenances thereunto belonging. The Lease Agreement dated January 10, 1978 between the County of Boone, Nebraska and the Boone County Agricultural Society, Inc. was terminated effective December 31, 2019. Due to the termination of the Lease Agreement, the County procedure to lease or sell real estate is outlined in said Nebraska State Statute.

Motion made by Rasmussen, second by Rutten to close said hearing at 11:15 A.M. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to accept sealed bids for the property to be leased, 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, containing 53.61 acres more or less of which 2.23 acres more or less is occupied by Road R.O.W., except the County Communications Tower 0.32± acres, until 4:00 P.M. on Friday, January 24, 2020, at the Boone County Clerk's office with bids to be opened/reviewed at 11:00 A.M., on Monday, January 27, 2020 in the Boone County Commissioners Meeting Room located in the courthouse, Albion, Nebraska. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.



# Boone County Board Minutes



Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JANUARY 21, 2020                      ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, January 21, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to illness. 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.

Randall Bruland, County Ambulance Administrator, updated the Board in regard to the mileage on the 2016 County Ambulance unit. Bruland informed the Board that in the past years when the mileage on the unit is close to 50,000 they have started to look for a new unit. Bruland informed the Board that after advertising for quotes and approving a quote for a new Ambulance, it is approximately nine months for delivery of a new unit from the time it is ordered to delivery. Bruland said that there is interest from an area fire and rescue squad that may possibly want to purchase the 2016 County Ambulance unit if the County decides to replace the present Ambulance. No decision was made at the Board meeting.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of January 13, 2020 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 Public Hearing Proceedings of January 13, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. 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 Faith Lutheran Church of St. Edward requested assistance to advertise the Steak & Burger Feed fundraiser event scheduled for February 29, 2020. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Steak & Burger Feed fundraiser event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Home, Farm & Garden Show, Inc. requested assistance to advertise the Boone County Home, Farm, Garden Show event scheduled for March 28, 2020. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Boone County Home, Farm, Garden Show event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Rutten, second by Temme to accept and approve the resignation of Carolyn Beckman effective January 21, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.





# Boone County Board Minutes



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

- Vice Chairman Temme asked all present to join in the Pledge of Allegiance.
- County officials/department heads (County Court, Highway Superintendent, Maintenance, Sheriff, and Zoning) reported on activities with regard to their respective office.
- Wellness Partners Health Fair for employees is scheduled for Tuesday, March 10, 2020.
- The Northeast District NACO spring workshop is scheduled for Friday, March 20, 2020 in Norfolk.

The Board, John Morgan, County Attorney and Chuck Rolf, Boone County Agricultural Society, Inc. discussed a proposed Lease Agreement in regard to the County owned property known as the Boone County Fairgrounds. Some of the items discussed were:

- Rolf requested that the survey of the fairgrounds property and an aerial photo of the fairgrounds showing the buildings with the buildings being identified on the aerial photo to be included with the Lease Agreement. Also, suggested that each building on the fairgrounds be identified with signage.
- Rolf asked if the County would provide a road/base to the new building and the aggregate for parking around the new Boone County Agricultural Education Center building.
- Rolf asked if the Agricultural Society would be able to use some of the leased County cropland property south of the fairgrounds property to park on when needed. Not for parking in 2020, due to the present County cropland lease does not expire until December 31, 2020.
- Agricultural Society would like to see the ownership of the building contents addressed in the Lease Agreement.
- Agricultural Society proposed the County pay for the electricity metered for the new Boone County Agricultural Education Center building.
- Agricultural Society would then pay for all other utilities associated with the Boone County Agricultural Education Center building and all utilities for the fairgrounds leased property and improvements.

The County Highway Superintendent submitted two quotes for a new snow v-plow for a County Road Department pickup. The v-plow would be installed on the 1999 Ford pickup that is used at times as the County Weed Department vehicle. The quotes received: Central Hydraulic Systems & Equipment Co. of Kearney, NE - \$7,160.25 and Ken's Trailer Sales & Repair of Norfolk, NE - \$6,800.00. Motion made by Rutten, second by Temme to approve the County Road Department purchase of a v-plow to be installed on a 1999 Ford pickup for approximately \$6,800.00 from Ken's Trailer Sales & Repair of Norfolk, NE. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The County Highway Superintendent submitted a bid for a drag carrier for the County Road Department. The drag carrier would be mounted on the new motor grader located at the Petersburg shop with brackets to accommodate snow wing so it can be left on year around. In accordance with state statute, the Board would like to review at least three informal bids due to the purchase of the drag carrier appears to be greater than \$10,000.00. Motion made by Rutten, second by Temme to table the purchase of a drag carrier to a later date in order to receive additional bids. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

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



# Boone County Board Minutes



The County Highway Superintendent submitted a 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, communication with the County Highway Superintendent and compensation of \$7.00 per ton for road gravel and \$11.00 per ton for other aggregate, will remain the same as the past year contractual services for calendar year 2020. Motion made by Temme, second by Rutten to approve the 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: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

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: LEPC – January 21, 2020; East-Central District Health Department – January 23, 2020; Boone County Planning Commission - January 27, 2020; Boone County Health Center – January 28, 2020.
- Commissioner Rutten updated the Board regarding the Boone County Trails System committee meeting.
- Commissioner Temme updated the Board regarding the BCDA, Inc. 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.
- The Board acknowledged receiving the annual evaluation of the Boone County Jail conducted by Chris Harrifeld, Criminal Justice Field Representative for the Nebraska Commission on Law Enforcement and Criminal Justice, to determine compliance with the Nebraska Minimum Jail Standards. The facility was determined to be in full compliance.
- The Board acknowledged receiving correspondence from Center for Rural Affairs in regard to fact sheets and information guide for wind energy.

Vice Chairman Temme declared the meeting adjourned at 12:40 P.M., with the next Board meeting scheduled for Monday, January 27, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS ELECTED COUNTY SURVEYOR POSITION

Alan Rasmussen, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, January 27, 2020 at 10:30 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 acknowledged the publication notice for the record.

Nebraska Revised Statute §32-525, states that if a County having a population of less than one hundred fifty thousand (150,000) inhabitants has an elected County Surveyor in office on January 1, 2020, the County Board may, prior to February 1, 2020, following a public hearing, adopt a resolution to continue to elect the County Surveyor for the County.

If a resolution is not adopted by the County Board prior to February 1, 2020, the question of electing a County Surveyor must appear on the General Election ballot in November 2020.

At the November 2020 General Election, if a majority of votes cast are in favor of the election of the office of County Surveyor, the office continues to be elected. If a majority of votes cast are against the election of the office of County Surveyor, the elected office ceases to exist at the end of the term of the incumbent and the office becomes an appointed position.

On January 27, 2020, the Boone County Board of Commissioners, held a public hearing at its regular meeting upon publication of notice of the same in the legal newspapers of the Albion News, Petersburg Press and St. Edward Advance in the county. The public hearing was for the purpose of hearing public comments and to discuss the issue of the elected office of a County Surveyor.

The population of Boone County is less than one hundred fifty thousand inhabitants according to the most recent official United State Census. As of January 1, 2020 the office of County Surveyor of Boone County is considered elected as the office appears on the ballot. The Boone County Surveyor position has been filled by a County Board appointment for several years due to there is no County resident that is a licensed surveyor. A person appointed to the office of County Surveyor in any County shall not be required to reside in the County of appointment. No comments were received by the Board of Commissioners at the public hearing.

Motion made by Rasmussen, second by Temme to close said public hearing at 10:49 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to submit to the voters of Boone County, Nebraska the question of electing a Boone County Surveyor at the November 3, 2020 General Election: "For election of county surveyor" the office continues to be an elected position; "Against election of county surveyor" the office becomes an appointed position by the Board of Commissioners. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JANUARY 27, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, January 27, 2020 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 the County Payroll Claims filed for the pay period of December 22, 2019 through January 21, 2020. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$105,263.60, BCBS \$45,596.16, Ameritas Ret \$7,266.93, EFTPS \$7,872.58, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$109.90; Road \$64,561.72, BCBS \$31,578.68, Ameritas Ret \$4,357.91, EFTPS \$4,874.82; Ambulance \$3,020.41, Ameritas Ret \$90.40, EFTPS \$231.05; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of January 21, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Rasmussen. Motion carried.

The Board received an update of activities from Carrie Rodriguez and Melanie Lueders, Probation Officers for District Five Probation. Rodriguez and Lueders presented the "All In For Kids" program and informed the Board that there is a critical need for foster care in Nebraska. They explained the various child foster care programs for infants to age nineteen. Foster care serves several different situations that may be a one night stay, short term of a few days and/or long term where juveniles are placed in foster care through the Nebraska Department of Health and Human Services. A free showing of the movie FOSTER is scheduled for February 9, 2020 at 1:00 P.M. at the Widman Cinema in Central City, NE, followed by a panel discussion with several foster care agencies available to answer questions. The event is organized by The Eyes of the Child Team in order to bring awareness to the public of the shortage of foster care homes in the area counties. The consensus of the Board to allow District 5 Probation to distribute flyers for the free movie event scheduled for February 9, 2020, providing awareness of the need for various foster care situations and that one night of foster care can make a difference in the eyes of a child.

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:

- Road employee wage comparison to be further discussed at the time the 2020-2021 budgets are discussed.
- The County Highway Superintendent informed the Board that one of the motor graders and the 1991 Mack truck-tractor are in need of extensive repairs. A decision will need to be made to either repair or replace.
- The insulation that has been installed in the County Road District #1, Cedar Rapids, shop building appears to be an improvement with lower heating costs the past month and now the breakroom area appears to have water leaking through the roof that needs attention.





# Boone County Board Minutes



The County Highway Superintendent submitted a 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 to haul gravel and rock from the various quarries to the county yards stockpiles. The service will be provided on an as-needed basis with compensation to the contractor of \$105.00 per hour. The consensus of the Board that this service is not needed at this time, the County has employees/trucks/trailers that can haul gravel/rock and the Board would like to obtain information on a compensation rate based on loaded mile verses paying an hourly rate for contractual services.

Jacqueline L. Wells, Boone County Veteran Service Officer, submitted a 2019 year-end Veterans report for the Board to review. The numbers within the report includes Veterans that live in other counties/states that are in the Boone County Veteran Service data base. Wells explained the differences of and who receives the Veterans tax free money income through compensation, GI Bill and Nebraska Veterans State Aid of which none of these funds are passed through the County budget system, the funds are directly distributed to the Veterans recipient. Wells informed the Board that there is approximately 535 Veterans residing in Boone County. Motion made by Rasmussen, second by Rutten to accept the Boone County Veterans Service Officer 2019 year-end report as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

On January 21, 2020, Randall Bruland, County Ambulance Administrator, and the Board discussed possibly beginning the process to obtain quotes for a new County Ambulance unit. The Board and Bruland discussed that the Boone County Ambulance budget is a self-supporting budget through the revenue received from patient billings and does not receive tax payer funds through a levy. The Board was informed that the County Ambulance Fund may currently have enough funds to pay for a new ambulance unit, but then there may not be enough funds left to operate the ambulance in order to pay drivers, medical personnel, fuel, supplies, etc. The revenue that the County receives from patient transport billings has been dwindling each year in comparison to the expenses per patient transport. The Board discussed paying a portion of the new ambulance unit from the Inheritance Tax fund and a portion from the County Ambulance fund. Motion made by Temme, second by Rutten to approve advertising for sealed bids for a new County Ambulance unit for three weeks with sealed bids received through 4:00 P.M. on Friday, February 21, 2020 and opened at 10:30 A.M. on Wednesday, February 26, 2020 in the Boone County Commissioners Meeting Room. 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, Inc. since February 2011. The Board received a letter that David Lynn, President of Sequoia Consulting Group, Inc. that he asked Wesley J. Ehlers if he would form his own company, WJE Consulting LLC, to continue to provide cost allocation services to the Nebraska County clients. Ehlers has worked for Sequoia Consulting Group for several years. Lynn is dissolving his company due to health issues. Ehlers plans to provide the same services with no changes to the Agreement in regard to the recovered funds to be shared 60% by the County and 40% by the Consultant not to exceed \$3,650.00 annually by the Consultant. The only change is the name of the company. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign an Agreement for Indirect Cost Allocation Services with WJE Consulting LLC as presented for the indirect cost allocation plan for FY ending in 2019, which results in cost reimbursement for fiscal year 2020-2021 and prepare a letter of termination to Sequoia Consulting Group, Inc. regarding the agreement executed May 20, 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



A new telephone system was installed in the County Courthouse and Law Enforcement buildings in 2015 by Applied Connective Technologies. The leased complete program agreement for the new telephone system (hardware, software and maintenance) began September 16, 2015 and ending March 16, 2020. In March 2020 the County will own the current telephone system in the County Courthouse and Law Enforcement buildings.

Ed Knott, Applied Connective Technologies, presented the Board with a history of the previous telephone system and the current telephone system. Knott presented a Managed Remote Service & Maintenance Agreement for the current telephone system that the County will own on March 16, 2020. The Maintenance Agreement is \$265.00 per month for one year and renewable for a successive twelve months. Knott informed the Board that the current telephone system installed in 2015 should have ten more years of serviceable life span. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Managed Remote Service & Maintenance Agreement with Applied Connective Technologies for the Boone County Courthouse and Law Enforcement/Sheriff's office buildings telephone system for \$265.00 per month for one year for remote programming, software upgrades, etc. as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board held a Public Hearing on January 27, 2020 at 10:30 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska for the purpose of hearing public comments and to discuss the issue of the elected office of a County Surveyor. The Nebraska Revised Statute §32-525, County Surveyor; election; when required; terms; qualifications was discussed. The Board did not adopt a resolution to continue to elect the County Surveyor for the County prior to February 1, 2020. Therefore, the Board decided to submit to the voters of Boone County, Nebraska the question of electing a Boone County Surveyor at the November 3, 2020 General Election. At the 2020 General Election the voters will decide the future of the County Surveyor office to either continue to be an Elected Office or becomes an Appointed office by the Board of Commissioners.

The Board held a Public Hearing on January 13, 2020 in accordance with Nebraska State Statute for the purpose of hearing public comments for or against the County owned property to be leased, 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. The Board advertised to receive sealed bids for said property to be leased until 4:00 P.M. on Friday, January 24, 2020, at the Boone County Clerk's office with bids to be opened/reviewed at 11:00 A.M., on Monday, January 27, 2020 in the Boone County Commissioners Meeting Room located in the courthouse, Albion, Nebraska. No sealed bids were received for the Board to open for said lease of the advertised property known as the Boone County Fairgrounds. Present for the bid opening: County Board; Boone County Agricultural Society, Inc. members Dave Noble, Mike Mapel, Jeryl Kettelson and Chuck Rolf; UNL Extension Educator, Steve Pritchard; Pat Neidhardt; and Pam Jochum. If the County Board receives no bids, the County Board may negotiate a contract for lease if such negotiated contract is in the best interests of the County. Motion made by Temme, second by Rutten to negotiate a Lease Agreement with the Boone County Agricultural Society, Inc. for the County owned property to be leased, 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: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board, Boone County Agricultural Society, Inc. board members and individuals present for the lease bid opening reviewed and discussed a proposed lease document. A proposed Lease Agreement was discussed at the January 21, 2020 Board meeting. Some members of the Agricultural Society have met since January 21, 2020 to review and have some questions, concerns and would like to make some suggestions to the Lease Agreement document.



# Boone County Board Minutes



A few of the questions, concerns and/or suggestions are:

- The Agricultural Society requested that a survey of the fairgrounds property and an aerial photo of the fairgrounds showing the buildings with the buildings being identified on the aerial photo to be included with the Lease Agreement.
- Each of the buildings on the fairgrounds be identified with signage to further aide emergency personnel.
- The Agricultural Society earlier request to address the ownership of the building contents has been completed in the Lease Agreement.
- Agricultural Society proposed the County pay for the electricity metered for the new Boone County Agricultural Education Center building.
- Agricultural Society to pay for all other utilities associated with the Boone County Agricultural Education Center building and all utilities for the fairgrounds leased property and improvements.
- Questions and clarification relating to the responsibly and expense of the insurance coverage of the property and improvements. The Board plans to visit with NIRMA.

The Board plans to clarify the various questions/concerns of the proposed Lease Agreement and further discuss/consider the Lease Agreement issues at their February 10, 2020 Board meeting.

The chief deputy salaries shall be fixed by the County Board at such times as necessity may require. The Board and Denny Johnson, Sheriff, discussed the wage process for the Sheriff Chief Deputy. The consensus of the Board is to not change the wage process that was set in 2017 for the Elected Official term of 2019-2022, the chief deputy being a percentage of the respective elected official salary.

## Public Comments:

- Meetings: Boone County Health Center - January 29, 2019.

Chairman Rasmussen declared the meeting adjourned at 1:20 P.M., with the next Board meeting scheduled for Monday, February 10, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 10, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, February 10, 2020, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to illness. 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 Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$46,062.21; Road/Weed - \$153,561.58; Boone County Visitor's Promotion - \$1,440.16; Inheritance Tax - \$183,952.98; 911 Emergency Management (2910) - \$453.17; 911 Wireless Service (2913) - \$512.14; Fair Building (4025) - \$220,674.06; Ambulance - \$1,498.37. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board accepted and approved a written resignation from a full-time County Sheriff office employee at their January 13, 2020 Board meeting. Motion made by Rutten, second by Temme to approve a Payroll Claim filed for payment on the General Fund for a net amount of \$855.04 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims 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 Proceedings of January 27, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Public Hearing Proceedings of January 27, 2020 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 January 27, 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Temme, second by Rutten to approve the following reports of the County Officials as presented for January, 2020:

- Clerk - \$15,565.75 (State of Nebraska \$10,164.29)(County of Boone \$5,401.46)
- Clerk of the District Court - \$1,134.89 (State of Nebraska \$605.00)(County of Boone \$529.89)
- Sheriff - \$2,161.22
- Treasurer - Miscellaneous Receipt Nos. 17586-17651 - \$1,837,506.80
- Treasurer - Total Collections - \$3,156,452.73

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





# Boone County Board Minutes



The Board received Payment Application Nos. 13 & 14 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete, fire suppression, plumbing, HVAC system, doors, windows, electrical, utilities and fire alarm/communications system. Motion made by Rutten, second by Temme to approve payment number thirteen for \$128,045.42 and fourteen for \$92,628.64 from Rathman Manning Construction for a total of \$220,674.06 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. 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 architect then merged Change Orders #1 and #2 to AIA Document G701 known as Change Order Number: 001 for \$54,961.00 increasing the project construction amount to \$3,020,996.00. On September 25, 2019 a change order was reviewed and discussed to change the Fire Sprinkler main piping from a 4" line to a 6" line per on-site Fire Marshal inspection for \$6,034.60. The AIA Document G701 Change Order Number: 002, which should be Change Order #3 document request, for \$6,034.60 increased the project construction amount to \$3,027,030.60. A change order was received for the Board to review as AIA Document G701 Change Order Number: 003, which should be Change Order #4 document request, for \$7,978.44. Some of the changes were faucets; flood protection valve; thermostats; light switch, TV outlet, electrical meter, etc. and partial deduction of sidewalk on north side of building. Motion made by Rutten, second by Temme to approve the AIA Document G701 Change Order Number: 003 as submitted, which should be Change Order #4 document request, for \$7,978.44 to add and delete changes as presented with the building project construction amount now being \$3,035,009.04. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. 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 Temme, second by Rutten to adopt and approve Resolution No. 2020-03, authorizing the Boone County Treasurer to discontinue the transfer of funds from the General Fund to the Road Fund for the delinquent tax year 2018 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Boone County has been a County member of the Northeast Nebraska Economic Development District (NENEDD) for several years. NENEDD contacted the Board and asked that Boone County appoint a Commissioner as a Boone County representative for the Council of Officials for NENEDD. The Council of Officials are invited to attend each monthly meeting and comment on items being discussed. However, they only have voting rights at just two meetings a year being June and December. Motion made by Rutten, second by Temme to appoint Commissioner Larry Temme as Boone County representative for the Council of Officials for NENEDD for year 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Board of Commissioners approved Resolution No. 96-26, joining with other Nebraska public agencies in accordance with Nebraska law and the Interlocal Cooperation Act, by becoming a participant in the Nebraska Public Agency Investment Trust (NPAIT) on June 17, 1996. The NPAIT account allowed public agencies to invest surplus or excess funds. On May 30, 2010 the Boone County NPAIT account balance was zero and the Boone County Treasurer has not used the NPAIT account since May of 2010. Motion made by Temme, second by Rutten to approve and authorize Laurie Krohn, Boone County Treasurer, to complete and sign the NPAIT document "Close Sub-Account/Master Authorization" permanently closing the NPAIT account effective February 10, 2020 and Boone County will no longer be a participant with NPAIT, therefore voiding



# Boone County Board Minutes



Resolution No. 96-26. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Stacey Ziemba, County Highway Superintendent, updated the Board regarding road equipment repair/replacement, road/bridge maintenance, materials and projects. Ziemba informed the Board that Road District #1, Cedar Rapids, is in need of a power washer to clean their machines. The consensus of the Board is that the Highway Superintendent will decide on the most economic purchase under \$10,000.00 of either a used or new power washer for Road District #1.

Stacey Ziemba, County Highway Superintendent, submitted two state quotes from Nebraska Machinery Company (NMC) for a new motor grader for the Board to review. The quote for a Caterpillar 140-13AWD with v-plow is \$302,040.00 and a Caterpillar 140-13AWD with ADJ wing is \$311,230.00. Ziemba informed the Board that the 1998 Caterpillar 140H motor grader will be a trade-in for the new motor grader. Ziemba informed the Board that if the new motor grader is ordered now that the new machine may possibly be delivered in April. Ziemba informed the Board that the plans are to utilize the Nebraska Machinery Company CAT Financial plan and pay a financing cost of \$250.00 in order to have the new machine in use in April and not pay for the new machine until July. Motion made by Rutten, second by Temme to approve the purchase of a new Caterpillar 140-13AWD motor grader with v-plow from Nebraska Machinery Company for \$261,140.00 (\$302,040.00 less a trade-in allowance of \$40,900.00) and use the CAT Financial plan to defer the full payment to the new fiscal budget year of July 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

On January 21, 2020 the County Highway Superintendent and Board discussed the purchase of a new drag carrier that would be mounted on the new motor grader located at Road District #3, Petersburg with brackets to accommodate snow wing so it can be left on year around. The Board asked the Highway Superintendent to obtain additional quotes. The following quotes were received: Molt Mfg., Inc. of Spalding, NE - \$10,850.00; Front Runner FAB., Inc. of Fullerton, NE - \$5,200.00; and Beaver Creek Machine, LLC of Petersburg, NE - \$4,578.60. Motion made by Rutten, second by Temme to approve the quote for a new drag carrier from Beaver Creek Machine, LLC for approximately \$4,578.60. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Andy Zoucha, Don Casper and Gayle Noble met with the Board to discuss their concerns regarding County road issues and needed repairs on asphalt roads. The County Highway Superintendent and Brian McDonald, JEO Consulting Group, Inc., were also present for the discussion. The group discussed several sizes of pot holes, soft spots, deterioration of asphalt roads and the edges of roads. Some of the road areas discussed were 260<sup>th</sup> Street between the intersection of 11<sup>th</sup> Street and Fairview Street, thence west to the intersection of 240<sup>th</sup> Avenue and Fairgrounds Road, Fairgrounds Road and 240<sup>th</sup> Avenue south of State Highway 91, vicinity of the Albion Country Club, Cemetery Road, roads in the area of Bob's Country Acres, Cuddy's Ark Acres and Golf Course View Subdivisions. Some questions being asked: which of the area roads are considered open roads for County maintenance; what roads are not considered open roads and who is responsible for maintenance and repairs; are any of the area roads in discussion on the County One Year Road Improvement Plan; and any plans for the County to accept and maintain subdivision roads. McDonald informed the group that if the County physically accepted the area platted subdivision roads, the roads would have to meet the Nebraska DOT minimum standards. McDonald plans to inspect the roads while he is in the area today.

The Board, County Highway Superintendent, Brian McDonald, JEO Consulting Group, Inc., Ralph Pieke and Scott Wallin discussed the Bridge Project #6(393), located at 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue. The plans are for an existing 24 foot bridge to be replaced with a triple 10 x 9 foot box culvert at an estimated cost of \$160,000.00. The box culvert would accommodate a larger volume of water, but a heavy rain will still likely continue to overtop the bridge due to the road needs to be built up. Pieke and Wallin were in favor of a larger



# Boone County Board Minutes



bridge like the bridge further upstream and build the road up. McDonald said that the channel capacity of the Shell Creek is a determining factor and that can't be changed. McDonald said that there is no justification for what it would cost to build the road up 2 to 3 foot and install a larger bridge for a minimal daily traveled road.

The Board, County Highway Superintendent, and Brian McDonald, JEO Consulting Group, Inc., discussed two FEMA bridge projects. McDonald presented two FEMA projects for the Board to review and let for bidding. The two bridge projects are due to the 2019 flooding. The Cedar Rapids Northwest bridge project on 150<sup>th</sup> Avenue south of State Highway 52 estimated cost is \$450,000.00. The St. Edward South bridge project, which connects to the City of St. Edward sewage lagoon is estimated at \$100,000.00. Copies of the contract documents are on file in the County Clerk's office for examination by bidders. Project bidding documents are available from JEO Consulting Group. Motion made by Rutten, second by Temme to authorize the County Clerk to advertise for bids for the Cedar Rapids Northwest bridge project and the St. Edward South bridge project, with the Invitation to Bid as prepared by JEO Consulting, Group, Inc. and bids to be received until 10:00 A.M. on March 9, 2020 by the Boone County Clerk's office. Roll call vote: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board, County Highway Superintendent, and Brian McDonald, JEO Consulting Group, Inc., discussed several road/bridge issues/projects. Some of the following projects discussed with no final decisions made at this time:

- A bridge on Pilot Knob Road near Primrose.
- A bridge south of St. Edward on 350<sup>th</sup> Street west of State Highway 39.
- A bridge east of Raeville on 260<sup>th</sup> Avenue north of 120<sup>th</sup> Street.
- Culvert replacement on Ridge Road west of Albion.
- The asphalt (black top roads that were milled and packed in fall of 2019: 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; A Street going north out of St. Edward; and 170<sup>th</sup> Avenue known as Water Tower Road going South out of Cedar Rapids.

The Board; Boone County Agricultural Society, Inc. board members Dave Noble and Chuck Rolf; UNL Extension Educator, Steve Pritchard; and Pam Jochum continued the review and discussion of a proposed lease document. The Lease Agreement being discussed would be between the County of Boone and the Boone County Agricultural Society, Inc. for the County owned property commonly known as the Boone County Fairgrounds. The Ag Society asked for the language of #35 Budget be changed from "provide a separate detailed report of revenue and expenses for each of the activities" to a "monthly summary report of revenue and expenses and a detailed report for the activities when requested by the Board." The language regarding insurance coverage changes will be provided by NIRMA and a revised legal description of the fairgrounds property will be provided by the County Surveyor.

Steve Pritchard, UNL Extension, presented a quote for new furnishings for the UNL office space and meeting room to be located in the new building at the fairgrounds. A quote from Mark's Custom Woodworking of Creston, NE for the UNL Extension office area for cabinets and counter tops \$23,749.96 and for the meeting/conference room for cabinets, counter tops, sink, etc. \$6,184.49. The new fairgrounds building project cost of \$3.3 million did not include funding for any furnishings for the building. In accordance with state statute, the Board would like to review at least three informal bids due to the quotes for the office and meeting room furnishings appears to be greater than \$10,000.00. The Board asked Steve Pritchard, UNL Extension, to



# Boone County Board Minutes



obtain additional quotes to present at a future meeting. In addition, Pritchard presented the Board a copy of a 2019 Boone-Nance Extension annual report for their review.

## Public Comments:

- Meetings: BCDA, Inc. – February 11, 2020; Boone County Agricultural Society, Inc. – February 17, 2020; Northeast Nebraska Area Agency on Aging – February 20, 2020; Region IV, Inc./ NorthStar Services – February 20, 2020; Northeast Nebraska Juvenile Services – February 21, 2020; Boone County Health Center – February 25, 2020.
- Commissioner Rutten updated the Board regarding the Boone County Trails System Committee meeting with a state forester and landscape designer on February 7, 2020.
- The Board received a 2019 Annual Report from Nebraska Intergovernmental Risk Management Association (NIRMA) to review.
- The Board acknowledged receiving a thank you from the recipients of the County silent auction donations for the 2019 NACO Fundraiser for flood victims.

Vice Chairman Temme declared the meeting adjourned at 1:09 P.M., with the next Board meeting scheduled for Tuesday, February 18, 2020.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 18, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, February 18, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to illness. 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.

Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 9:03 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten and Larry Temme; Rod Nelson, Courthouse Maintenance; Denny Johnson, Sheriff; 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) The group present reviewed and discussed each chapter of the NIRMA Model Safety Manual; (2) Nelson plans to obtain quotes for first aid kits and fire extinguishers to be placed in County vehicles. New business that was addressed/reviewed: (1) Johnson and Nelson plan to contact NIRMA personnel in regard to training(s) offered for employees; (2) Safety items discussed will be obtained by the respective department; and (3) Changes, addition, deletions to the NIRMA Model Safety Manual discussed will reflect in the County safety manual document for continued review on March 9, 2020. Motion made by Temme, second by Rutten to continue the discussion and review of the NIRMA Model Safety Manual in order to create a County Safety Manual on March 9, 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried. The Safety Committee meeting was adjourned by Ben Rutten, Chairman of the Boone County Safety Committee at 10:03 A.M.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of February 10, 2020 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 Public Hearing Proceedings of February 10, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. 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 Cedar Rapids Community Club requested assistance to advertise the Cedar Rapids Melodrama event scheduled for March 20, 21, 22, 27 and 28, 2020. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the Cedar Rapids Melodrama event from the Visitor's Promotion Fund as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.



# 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. In December of 2019 the Board signed a document acknowledging that EMS Billing Services, Inc. was acquired by Quick Med Claims, LLC. The Boone County Ambulance is an ALS Unit and is used primarily for transport of patients from/to the Boone County Health Center to another facility and a doctor in charge must recommend the ambulance services. Quick Med Claims 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 and decided to make no changes regarding the Boone County Ambulance Service rates due to the rates were changed in March of 2019. Motion made by Rutten, second by Temme to approve and authorize Kathy Thorberg, Boone County Clerk, to complete and sign the documents submitted by Quick Med Claims, LLC with no changes to the Boone County Ambulance Service rates for 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Steve Pritchard, UNL Extension, presented a quote for new furnishings for the UNL Extension office space for cabinets/counter tops and meeting/conference room space for cabinets, counter tops, sink, etc. to be located in the new building at the fairgrounds on February 10, 2020. The Board asked Pritchard to obtain additional quotes to present at a future meeting due to the furnishings appears to be greater than \$10,000.00. The following quotes submitted: Mark's Custom Woodworking of Creston, NE – Office \$23,628.53 and Conference Room \$5,747.74; RMK Enterprise (Roger Ternus) of Albion, NE – Office \$24,249.00 and Conference Room \$6,265.00; and Dave Jochum, Elgin, NE – Office \$25,108.07 and Conference Room \$6,624.74. The Board would like to see the UNL Extension office move and use as much of the existing cabinets and furnishings from the current office in the courthouse to the new office at the fairgrounds. Kurt Kruse and Chuck Rolf were present for the UNL Extension office furnishings discussion. Kruse suggested that the Board meet Pritchard at the new building to determine the furnishings needed as he would hate to see a new office with different type of furnishings. Kruse said that if the County does not want to fund the new furnishings, the Boone County Agricultural Education Center, Inc. might provide some cost share funds. No action was taken by the Board regarding the quotes presented. The Board agreed to visit the new building before adjourning today's meeting.

In addition, Pritchard asked the Board how the following expenses will be covered for telephone, internet and mail services and who is responsible for janitorial and maintenance services for the Extension office new location at the fairgrounds. Also, discussion was held on use of the new UNL Extension meeting/conference room by organizations that may be conducting events in the arena, civic organizations and if the meeting/conference room may be used when the UNL Extension Educator is not present. No decisions made by the Board at the meeting.

On February 10, 2020 the Board approved the purchase of a new Caterpillar 140-13AWD motor grader with v-plow from Nebraska Machinery Company for \$261,140.00 (\$302,040.00 less a trade-in allowance of \$40,900.00) and use the CAT Financial plan to defer the full payment to the new fiscal budget year of July 2020. The Board received the NMC CAT Sales Agreement and the Caterpillar Financial Services Corporation Finance Proposal to review for the purchase of a new Caterpillar motor grader. Motion made by Rutten, second by Temme to approve and authorize the Board Vice-Chairman to sign the documents as submitted for the purchase of a new Caterpillar motor grader with trade-in, delivery of the ordered new motor grader in April 2020 and a finance plan to defer the full payment to the new fiscal year budget in July 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.



# Boone County Board Minutes



Members of the Boone County Agricultural Education, Inc., Kurt Kruse, Bill Robinson and Chuck Rolf were present to discuss with the Board and John Morgan, County Attorney, the use of up to \$120,000.00 of the pledged funding received for the payment of the bonds for the new fairgrounds building in order to purchase furnishings for the new fairgrounds building. They would like to purchase bleachers, concession area equipment, a soil conditioner and packer for arena and drainage work is needed for the south side of the new building. They would like to purchase the items so that the building is ready for the events scheduled in May. Kruse said that there is adequate funds in the Building Bond Account in the County Treasurer's office to make the 2020 and 2021 Building Bond payments. Morgan suggested a resolution to be signed for the use of up to \$120,000.00 of the bond pledged fund account to be used by the building improvement fund account and payable back to the bond fund account within a year of the signed resolution. A resolution to be drafted for signatures for the February 26, 2020 Board meeting.

The Board, John Morgan, County Attorney, Chuck Rolf and Dave Noble, Boone County Agricultural Society, Inc. and Pat Neidhardt discussed a proposed Lease Agreement in regard to the County owned property known as the Boone County Fairgrounds. A Lease Agreement by and between the County of Boone, Nebraska, a political subdivision in and for the State of Nebraska and the Boone County Agricultural Society, Inc., a Nebraska Nonprofit Domestic Corporation has been discussed the past several months. Commissioner Temme attended the Boone County Agricultural Society, Inc. meeting that was held on Monday, February 17, 2020 and reviewed the revised Lease Agreement with the Ag Society regarding the changes from the prior Board meetings. There were no more suggested changes to the proposed Lease Agreement except for the new real estate surveyed legal description. Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign the three year Lease Agreement entered into and shall be deemed to have commenced effective as of the 1<sup>st</sup> day of January 2020, by and between the County of Boone, Nebraska and Boone County Agricultural Society, Inc. for a three year lease, with the document being signed by both entities upon receipt of the new surveyed legal description. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The agenda item number ten request was covered in the same conversation as agenda item number eight. No action was necessary by the Board.

## Public Comments:

- Meetings: Northeast Nebraska Area Agency on Aging – February 20, 2020; Region IV, Inc./ NorthStar Services – February 20, 2020; Northeast Nebraska Juvenile Services – February 21, 2020; Boone County Health Center – February 25, 2020.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.

Vice Chairman Temme declared the meeting adjourned at 1:00 P.M., with the next Board meeting scheduled for Wednesday, February 26, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS FEBRUARY 26, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, February 26, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen was absent due to illness. 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 Board reviewed the County Payroll Claims filed for the pay period of January 22, 2020 through February 21, 2020. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$101,431.07, BCBS \$50,486.32, Ameritas Ret \$6,989.96, EFTPS \$7,573.05, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$125.60; Road \$67,303.58, BCBS \$31,578.68, Ameritas Ret \$4,543.00, EFTPS \$5,084.57; Ambulance \$3,108.74, Ameritas Ret \$82.95, EFTPS \$237.82; and Public Defender Contract \$3,358.21. 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 Proceedings of February 18, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board received an update of activities from Patrick Peer, Chief Executive Officer, and Chuck Sepers, Chief Public Health Officer, East-Central District Health Department. The East-Central District Health Department is located in Columbus, Nebraska and serves Boone, Colfax, Nance and Platte Counties. Peer presented and reviewed a Boone County Health Report for October-December 2019. The Nebraska East Central Health District's public health system is defined with the line between public health (East-Central District Health Department) and healthcare (Good Neighbor Community Health Center) within our health district. Healthcare focuses primarily on tertiary prevention or preventing of the progression of disease within the patient. Public Health focuses primarily on helping to implement new or modified programs, policies, and practice that prevent people from getting sick to begin with. Peer and Sepers highlighted part of the twenty-two page report: ten essential public health services; Social Determinants of Health; 2020 flood outlook; lead poisoning, usually found in older homes built before 1978; influenza surveillance; youth tobacco and substance abuse prevention; building healthy families; COVID-19; and Boone County Community Snapshot. The Albion location that offers Outreach and Enrollment services for WIC, Medicaid, CHIP, etc. moved to a new location at 2583 State Highway 14, Suite 3, Albion. The Board, Peer and Sepers discussed meeting quarterly to review the County's health assessment and public needs. The consensus of the Board is to meet with East-Central District Health representatives to receive an update of programs and activities on a quarterly basis for year 2020.





# 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:

- County Road Dist. #2, Albion tagged some surplus items for disposal. The County Highway Superintendent plans to consign some of the surplus items on the annual FFA auction scheduled for April 5, 2020.
- City of Albion has applied to host a disposal site for collection of used tires in May.
- The 6,000 gallon tanker that receives used oil located in the Road Dist. #2, Albion yard is nearing full. The County Highway Superintendent plans to research how to dispose of the used oil.
- The purchase of a new Caterpillar motor grader was approved on February 10, 2020 and use the CAT Financial plan to defer the payment to July. The consensus of the Board is to not finance and pay approximately three months of interest. Nebraska Machinery Company to be paid \$261,140.00 upon delivery of the new motor grader and picking up of the 1998 Caterpillar that was traded-in.

The Board, County Highway Superintendent, Ryan Figgner and Richard (Rick) Figgner, Primrose, Nebraska discussed the status of the Pilot Knob Bridge. Figgner's expressed to the Board that they would like to have the bridge reconstructed for through traffic. The said bridge collapsed in the middle following the 2019 spring flooding. Highway Superintendent informed the group that an engineer from JEO Consulting Group has studied the bridge and surrounding area. If the decision is to repair/replace the said damaged bridge it would need to be extended in length. The County Highway Superintendent expects to have the engineer report and estimated costs for reconstruction of said bridge within a month. The Pilot Knob Bridge project would be considered a FEMA project. Figgner's plan to gather signatures from area residents that would like to see the bridge replaced for through traffic. The Board indicated that the order of funding for repair to damaged roads and bridges throughout the County from the 2019 flooding will be repaired in the order of the higher traffic use to the lower traffic use.

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 2020 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; 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 Vice Chairman to sign the Non-Exclusive Contracts for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The County Highway Superintendent and Board, continued the discussion in regard to Non-Exclusive Contract for hauling services of aggregate from quarries to the county stockpiles at a different rate than the Non-Exclusive Contracts to back-haul for 2020. In 2019 some Non-Exclusive Contract hauling services of aggregate from quarries to the county stockpiles received an hourly rate to haul aggregate. The Board has concerns with an hourly rate, such as the County may be paying for the time the trucker is waiting at the gravel pit to be loaded and while being loaded. A discussion to possibly use a compensation rate based on a loaded mile or loaded weight. The consensus of the Board that this service is not needed at this time, the County has employees/trucks/trailers that can haul gravel/rock at this time. No decision was made by the Board.



# Boone County Board Minutes



On January 21, 2020, Randall Bruland, County Ambulance Administrator, and the Board discussed possibly beginning the process to obtain quotes for a new County Ambulance unit. On January 27, 2020 the Board approved advertising for sealed bids for a new County Ambulance unit with sealed bids received through 4:00 P.M. on Friday, February 21, 2020 and opened at 10:30 A.M. on Wednesday, February 26, 2020. The Board received sealed bids from two companies: Arrow Manufacturing, Inc. of Rock Rapids, Iowa (Arrow) - \$189,900.00 and \$199,900.00; and Danko Emergency Equipment Co. of Snyder, Nebraska (Danko) - \$259,898.00. Jeff Horn, Danko, was present to represent the company and answer question in regard to their quote. There was no representative present for Arrow. The Board, Bruland and Jeff Horn discussed the differences within the sealed bids and that Arrow includes a 40% deposit at the time of the ordering of a new unit. Horn asked Bruland about the replacement of the cot that is in the 2016 County Ambulance unit. Bruland replied that the County Ambulance cot was like new and that the plan is to keep the current cot. Horn indicated that the price of a new cot will be removed from the quote. Horn said that if the County FIN# (Ford discount) is still active that will also lower the quote. Bruland also noted that Danko is closer to Albion when the ambulance unit is in need of service.

Motion made by Rutten, second by Temme to authorize the Board Vice Chairman to sign the Proposal for Demers Ambulance and a Sales Contract with the changes from the original quote of removal of the new cot price and Ford discount for the purchase of a 2020 Demers MXP-170 Type 1 Ambulance installed on a Ford F-450 Chassis including graphics and power load from Danko Emergency Equipment Co. for \$238,420.00 with delivery in approximately seven to nine months. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

On February 18, 2020 members of the Boone County Agricultural Education, Inc., Kurt Kruse, Bill Robinson and Chuck Rolf were present to discuss with the Board and John Morgan, County Attorney, the use of up to \$120,000.00 of the pledged funding received for the payment of the bonds for the new fairgrounds building in order to purchase furnishings for the new fairgrounds building. Morgan suggested a resolution to be signed for the use of up to \$120,000.00 of the bond pledged fund account to be used by the building improvement fund account and payable back to the bond fund account within a year of the signed resolution and a resolution to be drafted for signatures for the February 26, 2020 Board meeting. Motion made by Temme, second by Rutten to approve Resolution No. 2020-04, authorizing Kurt Kruse and William J. Robinson, Boone County Agricultural Education Center, Inc. representatives to transfer up to and not to exceed \$120,000.00 as needed from the accounts of the Boone County Agricultural Education Center, Inc. Bond Payment Account 10875 to the building Improvements Account 10923 and amount transferred to Account 10923 be transferred back to Account 10875 on or before March 1, 2021. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

On February 10 and 18, 2020 the Board and Steve Pritchard, UNL Extension, discussed quotes for new furnishings for the UNL Extension office space for cabinets/counter tops and meeting/conference room space for cabinets, counter tops, sink, etc. to be located in the new building at the fairgrounds. The Board had indicated they would like to see the UNL Extension office move and use as much of the existing cabinets and furnishings from the current office in the courthouse to the new office at the fairgrounds. The Board agreed to visit the new building to observe the UNL Extension space before making a furnishings decision. Those present to further discuss the furnishings issue were: Kurt Kruse, Chuck Rolf, Kevin Rasmussen, Hilary Maricle, Josephine Weltruski and Pam Jochum. The Board acknowledged the Board Proceedings from 2018 that the furnishings for the building were not included in the three million dollar construction quotes and any expenses beyond the three million dollar building project will need to come from fundraising/donations, not from the County or a tax levy assessed upon the tax payers.



# Boone County Board Minutes



Maricle informed the group that she is the University of Nebraska, Lincoln Engagement Zone 6 Coordinator and it is proposed for Maricle to office in the new Boone County Agricultural Education Center building. The proposal is for Maricle to utilize the third office room at the new fairgrounds building and the same space would be available for Regional Educators to use when they are in the County. The group said that the existing cabinets and furnishings in the courthouse UNL Extension office may be utilized in the three office areas and storage room at the new fairgrounds building and the new furnishings quote from Mark's Custom Woodworking still be purchased for the new conference/meeting room of \$5,747.74 and the new main office/reception area of \$23,628.53. Kruse said that if the County does not want to fund the new furnishings, the Boone County Agricultural Education Center, Inc. would provide some cost share funds. Motion made by Rutten, second by Temme to approve the quotes of \$5,747.74 for meeting/conference room and \$23,628.53 for office/reception area furnishings for UNL Extension office from Mark's Custom Woodworking of Creston, Nebraska with a one-half cost share being Boone County Agricultural Education Center, Inc. paying \$14,688.14 and the County of Boone, Extension Office budget paying \$14,688.13. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Denny Johnson, Sheriff, presented a one-time fee of \$2,112.00 for installation of five new Equature Voice Licenses. Johnson informed the Board that there are two lines to the Equature Voice Recorder in the County Law Enforcement building and that five more lines need to be added to the Equature Voice Recorder for communications with the new Statewide Radio System. Motion made by Rutten, second by Temme to approve the five new Equature Voice Licenses for a one-time fee of \$2,112.00 for the Equature Voice Recorder for communications with the new Statewide Radio System with part of the fee being paid from the 911 Wireless Service Fund 2913. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The County of Boone auditing services contract expired with the fiscal year end June 30, 2019 audit. After reviewing records, the last time the Nebraska Auditor of Public Accounts completed an audit for County of Boone was in 1992. The Board feels it would give them comfort to have a State Audit completed and to know if everything is on the right track. Motion made by Temme, second by Rutten to request the Nebraska Auditor of Public Accounts to send the Boone County Board a contract to consider for the fiscal year ending June 30, 2020 audit. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

## Public Comments:

- Commissioner Rutten updated the Board regarding the Region IV, Inc./NorthStar Services committee meeting and Juvenile Services, Inc. committee meeting.
- Commissioner Temme update the Board regarding the Northeast Nebraska Area Agency on Aging committee meeting and the Boone County Health Center board meeting.
- The Board acknowledged a letter from Nebraska Department of Natural Resources in regard to the Kohtz City of Albion Dam inspection for 2020.

Vice Chairman Temme declared the meeting adjourned at 1:40 P.M., with the next Board meeting scheduled for Monday, March 9, 2020.

Kathy Thorberg,  
Boone County Clerk



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## **MINUTES OF PUBLIC HEARING PROCEEDINGS APPLICATION FOR A MICRODISTILLERY LIQUOR LICENSE**

Larry Temme, Vice Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Wednesday, February 26, 2020 at 11:07 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 and Ben Rutten. Commissioner Alan Rasmussen was absent due to illness. Applicants Joseph Brugger and Matthew Brugger were present to answer any questions. Also present for said hearing was Norman Brugger, father and land owner. Notice of the hearing was given in advance by publication in the Albion News 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 support of, protest against, and to answer questions concerning the approval or denial of the issuance of a Microdistillery Liquor License (Class Z). Upstream Innovations LLC dba Upstream Farms Distillery has filed an application with the Nebraska Liquor Control Commission to distill liquor on the premises of the distillery licensee.

Joseph Brugger and Matthew Brugger answered questions with regard to the new business. There was no one present in opposition. They explained the long process of getting Federal and State approval and inspections by the Nebraska State Patrol, fire marshal and a health inspector. They explained the renovations completed to change an old milk barn structure to a distillery structure. Brugger's plan to grow the necessary crops/grain for the distillery business. The spirits must be marketed through distribution companies and cannot be sold directly from their distillery. They explained that the distillation will allow them to diversify as farmers beyond their crop and cattle production and also produce high quality farm-crafted spirits. Distillation will also allow them to capture more value from products already being grown on their farming operation.

Motion made by Rutten, second by Temme to close said hearing at 11:28 A.M. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve as presented the Application by Upstream Innovations LLC dba Upstream Farms Distillery for the issuance of a Microdistillery Liquor License (Class Z) to distill liquor on the premises of the distillery licensee. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 9, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 9, 2020, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen was absent due to illness. 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 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 - \$49,468.99; Road/Weed - \$153,305.03; Boone County Visitor's Promotion - \$395.25; 911 Emergency Management (2910) - \$953.33; 911 Wireless Service (2913) - \$2,095.98; Fair Building (4025) - \$127,991.86; Ambulance - \$899.25. 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 Proceedings of February 26, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Public Hearing Proceedings of February 26, 2020 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 following reports of the County Officials as presented for February, 2020:

- Clerk - \$10,070.25 (State of Nebraska \$5,827.67)(County of Boone \$4,242.58)
- Clerk of the District Court - \$334.87 (State of Nebraska \$101.00)(County of Boone \$233.87)
- Sheriff - \$1,442.72
- Planning & Zoning - \$85.75
- Treasurer - Miscellaneous Receipt Nos. 17652-17694 - \$418,111.70
- Treasurer - Total Collections - \$977,203.08

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

The Board received Payment Application No. 15 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the concrete, carpentry, acoustical ceilings, paintings, plumbing, HVAC system, and electrical system. Motion made by Rutten, second by Temme to approve payment number fifteen for \$127,991.86 from Rathman Manning Construction as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Health Center contacted the County Clerk's office and asked that their scheduled meeting with the Board today be re-scheduled at a later date. Motion made by Temme, second by Rutten to table a



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meeting with the Boone County Health Center to the March 16, 2020 Board meeting. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The requestor for the General Assistance request did not appear before the Board. No action was taken by the Board.

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

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 2020 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 Joshua Hollibaugh/Country Partners Cooperative and Corey Dobson/Dobson Transfer, LLC. Motion made by Temme, second by Rutten to authorize the Board Vice Chairman to sign the Non-Exclusive Contracts for Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board, County Highway Superintendent and Brian McDonald, JEO Engineer discussed FEMA's Alternative Procedures 428 Program. McDonald did not favor FEMA's Alternative Procedures 428 Program. The County Highway Superintendent and the Board contacted a FEMA representative by teleconference for more information on the Alternative Procedures 428 Program.

On January 29, 2013, President Obama signed into law the Sandy Recovery Improvement Act (SRIA). This SRIA law amends Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) that was signed into law in 1988 to create an orderly system to get federal assistance to state and local governments in the wake of natural disasters. Specifically, the SRIA law adds Section 428, which authorizes alternative procedures for the Public Assistance (PA) Program under sections of the Stafford Act. It also authorizes the Federal Emergency Management Agency (FEMA) to implement the alternative procedures through a pilot program.

The FEMA representative said that if the Board approves the signing of Appendix A it does not lock the County in to the Alternative Procedure 428 Program, but gives the County the option to choose which FEMA program best meets its needs. The 2019 flood damaged FEMA repair projects reimbursed funds are based on actual repair costs and reimbursement may take up to ten years to be received. With the Alternative Procedure 428 Program the County may be reimbursed by FEMA funds based on estimated amounts and the funds may possibly be received sooner. If the project bid comes in higher than the estimate, the County would be responsible for covering the difference. If the actual cost was lower than estimated, the County could use the excess funds to help pay for another FEMA approved project. The infrastructure 2019 flood damaged projects filed with FEMA may be filed based on actual repair costs or the estimated amounts (428 Program). The County funds are used for the infrastructure repairs as needed and may receive some reimbursement funds from FEMA in the future. Motion made by Rutten, Second by Temme to authorize the Board Vice Chairman to sign Appendix A, Alternative Procedures Pilot Program for Permanent Work Acknowledgement, a voluntary program. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board, County Highway Superintendent, and Brian McDonald, JEO Consulting Group, Inc., discussed and reviewed construction plans for two Federal Emergency Management Agency (FEMA), bridge projects on February 10, 2020. The two bridge construction project bid lettings were advertised to open sealed bids on



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Monday, March 9, 2020. The two FEMA bridge repair projects are a result of the 2019 flood. The sealed bids received for the Cedar Rapids Northwest Bridge 6(00715) on 150<sup>th</sup> Avenue south of State Highway 52: JJK Construction, LLC of Ceresco, NE - \$469,073.75 and Theisen Construction, Inc. of Norfolk, NE - \$352,821.48. The St. Edward South Bridge 6(05015P) project, which connects to the City of St. Edward sewage lagoon: JJK Construction, LLC of Ceresco, NE - \$136,863.24 and Theisen Construction, Inc. of Norfolk, NE - \$98,494.60. Jeremy Kyncl, JJK Construction, was present to represent the company. There was no representative present for Theisen Construction. The Board, Highway Superintendent and McDonald reviewed and discussed the bids. Motion made by Temme, second by Rutten to accept and recommend approval of the Theisen Construction, Inc. of Norfolk, NE bids for the Cedar Rapids Northwest Bridge 6(00715) for \$352,821.48 and St. Edward South Bridge 6(05015P) for \$98,494.60, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board, County Highway Superintendent, and Brian McDonald, JEO Consulting Group, Inc., discussed several road/bridge issues/projects. Some of the following projects discussed with no final decisions made at this time:

- A bridge on Pilot Knob Road near Primrose. McDonald plans to prepare estimates for repair/replacement of bridge.
- A bridge south of St. Edward on 350<sup>th</sup> Street west of State Highway 39. McDonald informed the Board that right-of-way will need to be purchased to repair bridge.
- A bridge east of Raeville on 260<sup>th</sup> Avenue north of 120<sup>th</sup> Street. McDonald informed the Board that no right-of-way will need to be obtained to repair bridge.
- Culvert replacement on Ridge Road west of Albion. McDonald informed the Board that a temporary easement may be needed to use the adjoining property during repair of culvert.
- The asphalt paving (black top roads), McDonald informed the Board that Mid-State Construction will need to complete boring tests, before repair estimates are available.
- County Highway Superintendent informed the Board that Bridge Project #6(393), located at 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue is ready for repair upon receiving signed document signature from the adjoining landowner(s).
- County Road Department cleaned out two tubes on 320<sup>th</sup> Avenue south of 350<sup>th</sup> Street that were tightly plugged with trees and debris.
- Commissioner Rutten plans to contact a county resident to remove the beaver doing depredation of dam building on the Bogus Creek two miles south of St. Edward on 357<sup>th</sup> Street.

The Nebraska State Statute Section 23 addresses checking accounts and petty cash funds. The county board shall have power to examine and settle all accounts against the county and all accounts concerning the receipts and expenditures of the county. It is the duty of the county treasurer to receive all money belonging to the county, from whatsoever source derived. The county board may adopt by resolution imprest system of accounting and petty cash funds. The Statute requires that all accounts and funds established outside the county treasurer be stated in the fiscal policy of the county board budget message.

Motion made by Temme, second by Rutten to approve Resolution No. 2020-05, Boone County Imprest Payroll Direct Deposit NOW Account with the depository bank being Cornerstone Bank of York, Nebraska, Albion Branch as submitted. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.





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Motion made by Temme, second by Rutten to approve Resolution No. 2020-06, Boone County Imprest Accounts Payable Vendor Checking NOW Account with the depository bank being Boone County Bank, a division of the Madison County Bank, Albion, Nebraska as submitted. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve Resolution No. 2020-07, authorizing a Petty Cash Fund for a Boone County Court Cash Drawer that reconciles daily to the \$50.00 and is used when needed to make change when receiving payments of fees/fines as submitted. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve Resolution No. 2020-08, authorizing a Petty Cash Fund for a Boone County Clerk Cash Drawer that reconciles daily to the \$25.00 and is used when needed to make change when receiving payments of fees/copies as submitted. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County full time employees have the option to participate in a NACO Benefit Services VSP Vision Plan at the expense of the employee. The vision plan agreement with National Insurance Services is due for renewal July 1, 2020. The Board reviewed the vision plan, the enhancements and slight increase to the monthly rates. The enhancements are that frames will be available every twelve months and they increased the frame allowance. Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign the NACO Benefit Services VSP Vision Block Participation Agreement for July 1, 2020 through June 30, 2023 with the frame enhancements and monthly rates at the employees expense of: Employee Only - \$8.51; Employee + Spouse - \$17.09; Employee + Child(ren) - \$21.00; and Employee + Family - \$28.17 as submitted. Roll call Vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Boone County Ambulance Service submitted seven 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 and the Quick Med Claims account manager is for the County to write-off \$12,987.00 for the seven 2018 Ambulance services from the EMS Billing Services/Quick Med Claims accounts for purposes of bookkeeping and county audit. Motion made by Rutten, second by Temme to approve write-off of the following uncollectible ambulance service accounts either denied by Medicare or NE Total Care and the patient cannot be personally billed for the services: January 31, 2018 - \$2,160.00; February 24, 2018 - \$1,195.00; March 7, 2018 - \$2,340.00; March 15, 2018 - \$1,437.00; March 30, 2018 - \$1,180.00; April 29, 2018 - \$2,320.00; and May 11, 2018 - \$2,355.00 as submitted. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Randall Bruland, County Ambulance Administrator, and the Board discussed the defibrillator that was purchased in 2003 and is used in the 2016 County Ambulance unit. Bruland received information that the 2003 M Series defibrillators will no longer be supported by FDA or have parts available for repairs after February 2021. The Board approved the purchase of a new 2020 County Ambulance unit on February 26, 2020. The expected delivery of the new ambulance unit is between September and November 2020.

The Board and Bruland reviewed a quote from Zoll Medical Corporation for a new X-Series Manual Monitor/Defibrillator and accessories for \$31,429.48. Bruland informed the Board that the Zoll X-Series Defibrillator will be supported by FDA. Bruland informed the Board that expected delivery date of a new defibrillator is two to four weeks. The Board felt that there is time to pursue a possible grant or other resources



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to help with funding of a new defibrillator for the new ambulance unit. Motion made by Temme, second by Rutten to table ordering a new defibrillator at this time to allow time to pursue a grant or outside funding to help pay for a new defibrillator. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board and Randall Bruland, County Ambulance Administrator, received an onsite ambulance unit demonstration from Jeff Horn, Danko Emergency Equipment Co.

## Public Comments:

- Meetings: BCDA, Inc. – March 10, 2020; Boone County Trails System Committee – March 10, 2020; Boone County Agricultural Society, Inc. – March 16, 2020; Northeast Nebraska Area Agency on Aging – March 19, 2020; Northeast Nebraska Association of County Officials – March 20, 2020.
- Rod Nelson, Maintenance, updated the Board in regard to available NIRMA training courses for employees and possible issues with the generator located at the Law Enforcement/Sheriff's office building.

Vice Chairman Temme declared the meeting adjourned at 12:51 P.M., with the next Board meeting scheduled for Monday, March 16, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 16, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, March 16, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen was absent due to illness. 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 March 9, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

On February 26, 2020 the Board approved to request the Nebraska Auditor of Public Accounts to send the Boone County Board a contract to consider for the fiscal year ending June 30, 2020 audit. The Board received a letter to review that summarizes the scope of the audit services and the fee for services. Motion made by Temme, second by Rutten to approve a one year auditing services agreement with the State of Nebraska, Auditor of Public Accounts for an approximate cost not to exceed \$15,000.00 for auditing of the Boone County Financial Statements for the fiscal year ending June 30, 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Tanya Sharp, Boone County Health Center President/Chief Executive Officer, and Rita Liss, Boone County Health Center Chief Financial Officer, presented the Boone County Health Center audit report for year ending September 30, 2019 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 – 34%; Medicaid – 8%; Self Pay – 18%; and Other Third-party pay – 40%. Sharp noted that revenue from the Medicare and Medicaid programs accounted for approximately 49% and 4%, respectively, of the Health Center's net patient revenue for the year ended September 30, 2019. Liss reviewed areas of the history graph reports in regard to cash on hand, outpatient revenue, long-term debt, etc. 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, 2018 through September 30, 2019 is on file at the Boone County Clerk's office.

In addition, Sharp updated the Board in regard to the Boone County Health Center new addition. An environmental study of the former swimming pool property needs to be completed and meet the Nebraska Game and Parks Commission requirements. The completion of the sale of the former swimming pool property and issuance of a building permit to the Boone County Health Center for the new building project is pending. Sharp asked the Board to sign an Application for Vacation document in order for the Boone County Health Center to request vacation of Fuller Street between Seventh (7) and Eighth (8) Streets, Albion, Nebraska from the City of Albion. When the new building project was first discussed the County had title ownership of the real estate. The County transferred ownership of the real estate to the Boone County Health Center in October 2019.

A resident/landowner was reviewing the real estate records in the Boone County Register of Deeds office on February 21, 2020 with regard to the alleys platted for record in Raeville, Nebraska. The County Clerk's office was informed that a petition had been circulated several years ago to vacate all of the alleys in Raeville. The real estate records in the Register of Deeds office and Assessor's office do not show the alleys in question as



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being vacated, but still open. In researching the Commissioners Proceedings, it was found that in March 1998, the vacating of the alleys in Raeville was addressed at the Board of Commissioners meetings held on March 2<sup>nd</sup>, 23<sup>rd</sup> and 30<sup>th</sup>, 1998. Further review indicated that there was reference made to a resolution, however, no resolution has been found to be filed for record. The adjoining record landowners to an alley platted within Raeville, Nebraska were notified that the Boone County Board of Commissioners plan to review the prior documentation of record on Monday, March 16, 2020. The notice is to make the current landowners aware that upon the filing of an adopted resolution to vacate the alleys, the alleys will become taxable real estate to the adjacent landowner. JoAnn Mattner, real estate owner in Raeville, was present for the Board meeting.

Motion made by Temme, second by Rutten to adopt and approve Resolution No. 2020-09, supersedes the unrecorded Resolution No. 98-17, that all of the alleys platted in Blocks 1, 2, 3, 4, 5, and 6, Village of Raeville, Boone County, Nebraska, shall be and hereby are officially vacated by the County of Boone, State of Nebraska, with all right-of-way rights to be relinquished and shall revert to private ownership to the owner(s) of the adjacent real estate, one-half on each side thereof, subject however, with the understanding that all utilities that may be affected by this vacation continue to have full access to their property and no permanent structures are permitted in the alleys that have any power poles, in accordance with the March 1998 board proceedings. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board received two proposals for the advertised Courthouse Lawn Care for 2020. The Board opened and reviewed the two sealed proposals. The Board, Rod Nelson, Maintenance, and Jim Jarecki DBA Jarecki Lawncare & Greenhouse, LLC 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 - \$1,241.09 and Schrad's KLaw - \$1,180.00. 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 2020 lawn care proposal for the courthouse lawn care from Jarecki Lawncare & Greenhouse, LLC for \$1,241.09 for the 2020 year as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

In addition, Jim Jarecki DBA Jarecki Lawncare & Greenhouse, LLC submitted a bid for aerification and thatching of the courthouse lawn for 2020. Motion made by Rutten, second by Temme to approve the 2020 bid for Aerification - \$270.00 and Thatching – estimated cost \$340.00 from Jarecki Lawncare & Greenhouse, LLC for the 2020 year as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. 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. No contracts were received for approval by the Board at the March 16, 2020 Board meeting.

Mary Ziemba, County Zoning Administrator, discussed zoning services with the Board in regard to the Interlocal Agreement with the City of St. Edward. Ziemba informed the Board that the City of St. Edward has formed their own Planning/Zoning Board for the City of St. Edward and that the St. Edward City Council voted not to utilize the Boone County Planning Commission.

The Interlocal Agreement/County Resolution No. 2019-07 and the City of St. Edward Resolution No. 2019-04-01R is written the same as the Cedar Rapids and Petersburg Zoning Interlocal Agreements. Ziemba informed the Board that the County should not have to compensate any expenses incurred for supplies, newspaper publications, advertising or any necessities for meeting preparations. Ziemba views the St. Edward Planning/Zoning Board as a separate entity. The present Interlocal Agreement states "Either political





# Boone County Board Minutes



subdivision may terminate this agreement with 90 days written notice to the other political subdivision.” Ziemba and the Board discussed allowing the St. Edward City Council the opportunity to make the decision of retaining the Boone County Zoning Administrator as the City of St. Edward Zoning Administrator and the standard set by the Boone County Commissioners relating to the St. Edward Planning/Zoning Board or the City of St. Edward, once again, may assume the City of St. Edward zoning responsibilities. Motion made by Temme, second by Rutten to send a letter from the Boone County Board of Commissioners to the St. Edward City Council, hereby giving a ninety day notice terminating the current Interlocal Agreement between the County of Boone and City of St. Edward, with an effective termination date of June 30, 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 10:30 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten and Larry Temme; Rod Nelson, Courthouse Maintenance; Denny Johnson, Sheriff; Jacqueline Wells, Veteran Service Officer; and Kathy Thorberg, County Clerk. Also in attendance were Lisa Langan, County Court Magistrate and Steve Pritchard, UNL Extension. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) The group present continued the review from the February 18, 2020 meeting of the NIRMA Model Safety Manual; (2) Nelson ordered first aid kits and fire extinguishers to be placed in County vehicles; and (3) Nelson presented dates available in May from NIRMA personnel in regard to Fire Extinguisher, Violence and Harassment training to be offered for employees. New business that was addressed/reviewed: (1) Plan to offer the NIRMA training courses each year in May for employees, Nelson will work with NIRMA to set the training dates for May 2020; (2) Changes, additions, deletions to the NIRMA Model Safety Manual discussed will be reflected in the County safety manual document for continued review with County Highway Superintendent on March 25, 2020; (3) Discussed preparedness for the COVID-19 (Coronavirus) outbreak; (4) Need to prepare a letter to communicate to employees information received from NIRMA and NACO in regard to COVID-19; and (5) Publish in the County newspapers a Notice of Policy in the event the Boone County Courthouse must be closed due to COVID-19. Motion made by Rutten, second by Temme to continue the discussion and review of the NIRMA Model Safety Manual in order to create a County Safety Manual on March 25, 2020, prepare an informational letter for employees and publish a Notice of Policy in the County newspapers in regard to COVID-19. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried. The Safety Committee meeting was adjourned by Ben Rutten, Chairman of the Boone County Safety Committee at 11:32 A.M.

Motion made by Temme, second by Rutten to go into executive session at 11:43 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: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried. The Board reviewed an employee assistance request. Motion made by Temme, second by Rutten to come out of the executive session at 11:54 A.M. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried. Motion made by Temme, second by Rutten to approve the employee request. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – March 16, 2020; Northeast Nebraska Area Agency on Aging – March 19, 2020.



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- Northeast Nebraska Association of County Officials meeting scheduled for March 20, 2020 has been cancelled due to COVID-19 (Coronavirus).
- Commissioner Temme updated the Board regarding the BCDA, Inc. meeting.
- Commissioner Rutten updated the Board regarding a Village of Primrose economic planning meeting.
- Rod Nelson, Maintenance, updated the Board in regard to the WINCO generator that is located at the County Law Enforcement/Sheriff building for emergency operation of the 911 system. Nelson informed the Board that the County may want to start setting aside funds for a new generator.

Vice Chairman Temme declared the meeting adjourned at 12:20 P.M., with the next Board meeting scheduled for Wednesday, March 25, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MARCH 25, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, March 25, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen was absent due to illness. 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 Board reviewed the County Payroll Claims filed for the pay period of February 22, 2020 through March 21, 2020. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$92,976.36, BCBS \$50,486.32, Ameritas Ret \$6,406.15, EFTPS \$6,926.26, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$125.60; Road \$58,974.03, BCBS \$31,578.68, Ameritas Ret \$3,980.76, EFTPS \$4,447.38; Ambulance \$3,742.44, Ameritas Ret \$104.95, EFTPS \$286.27; and Public Defender Contract \$3,358.21. 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 Proceedings of March 16, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Laurie Krohn, County Treasurer, submitted a request for approval to pay the second bond interest payment for the new fairgrounds building Limited Tax County Building Bonds, Series 2018. Motion made by Rutten, second by Temme to approve and authorize Laurie Krohn, County Treasurer, to pay the second bond interest amount of \$25,540.00 to Chase NYC for the new fairgrounds building Limited Tax County Building Bonds, Series 2018 as requested. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

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

- County Highway Superintendent presented a proposal from Mid-State Engineering & Testing, Inc. of Columbus, Nebraska to provide an engineering study to evaluate existing roadway conditions and provide pavement and subgrade pavement recommendation's (for areas of total reconstruction) for locations around Albion, Nebraska: Country Club Road-between Highway 91 and 260<sup>th</sup> Street; Fairgrounds Road-between Highway 91 and 260<sup>th</sup> Street; 260<sup>th</sup> Street-between Country Club Road and 11<sup>th</sup> Street; 265<sup>th</sup> Street-between Highway Spur 6A and 6<sup>th</sup> Street; 255<sup>th</sup> Avenue-between Highway 91 and approximately 4 miles north of 250<sup>th</sup> Street; and 220<sup>th</sup> Avenue-between Highway 14 and Mill Road (1.25miles). Motion made by Temme, second by Rutten to approve the engineering study for six pavement and subgrade pavement of County roadways for an estimated total cost of \$5,520.00 and not to exceed \$6,070.00 from Mid-State Engineering & Testing, Inc. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.



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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 2020 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 Allen Primrose/PPK Two Transportation, LLC. Motion made by Rutten, second by Temme to authorize the Board Vice Chairman to sign the Non-Exclusive Contract For Services as accepted and approved by the County Highway Superintendent. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The County Highway Superintendent and Board, discussed a Non-Exclusive Contract For Services prepared and filed for hauling services of aggregate from quarries to the county stockpiles by a full-time County employee. The Board and Highway Superintendent discussed the fact that there are two full-time County Road employees at each of the three County Road Districts that are hauling aggregate from quarries to the county stockpiles and the County has approved and signed eight Non-exclusive Contract For Services with area truck drivers to backhaul aggregate from quarries to the county stockpiles for the year 2020. The consensus of the Board in regard to the County full-time employee request is that there is no need for aggregate to be hauled by County employees outside of work hours at this time.

On March 9, 2020 the Board, County Highway Superintendent, and Brian McDonald, JEO Consulting Group, Inc. reviewed bids for two Federal Emergency Management Agency (FEMA) bridge projects. The Board accepted and recommended approval of the Theisen Construction, Inc. of Norfolk, NE bids dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer. JEO Consulting Group, Inc. submitted the Notice to Proceed and Agreement documents for the Board to review and approve for the two FEMA bridge repair projects that are a result of the 2019 flooding.

Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign the Notice to Proceed and Agreement documents between Boone County, Nebraska and Theisen Construction, Inc. for the Cedar Rapids Northwest Bridge 6(00715) project for \$352,821.48 as submitted. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign the Notice to Proceed and Agreement documents between Boone County, Nebraska and Theisen Construction, Inc. for the St. Edward South Bridge 6(05015P) project for \$98,494.60 as submitted. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board and County Highway Superintendent discussed parts of the proposed County Safety Manual, Chapter 10-Personal Protective Equipment and Chapter 14-Vehicles and Equipment in regard to the County Road Department. Motion made by Temme, second by Rutten to remove safety-toe work boots/shoes provided by county on page 10.1 (A); remove two footwear requirement sentences on page 10.6 (I); change word "required" to "recommended" on page 10.5 (I); add that the County may reimburse up to and not to exceed \$100.00 every two years for quality safety-toe footwear on page 10.5 (I); and addressed Commercial Driver's License requirements on page 14.3 (A). Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.





# Boone County Board Minutes



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 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 Temme, second by Rutten to approve and authorize the Board Vice Chairman to sign Resolution No. 2020-10 an Interlocal Agreement between the County of Boone and City of Albion for law enforcement purposes commencing on April 1, 2020 as submitted. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. 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 11, 13, 14 and 15, 2020. The four application's event times are from 4:00 p.m. to 1:00 a.m. on each respective day. Rolf informed the Board that the SDL requests are for the grandstand area and includes an additional fenced off area in front of grandstand. 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 ID's will be checked and arm bands issued at the point of purchase. Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign, as presented, the Application for a Special Designated Liquor License requests from the Boone County Agricultural Society, Inc. for the 2020 Boone County Fair dates of July 11, 13, 14, and 15, 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board discussed information and protocol procedures received from East-Central District Health Department (ECDHD); Nebraska Association of County Officials (NACO); and the County insurance group Nebraska Intergovernmental Risk Management Association (NIRMA) with Kathy Thorberg, Clerk; Laurie Krohn, Treasurer; Rod Nelson, Maintenance; Mary Ziemba, Zoning; Stacey Ziemba, Highway Superintendent; Lisa Langan, County Court Magistrate; and Steve Pritchard, UNL Extension. Motion made by Temme, second by Rutten approving a Press Release; signage information on doors and locking of the outside doors of the Courthouse Building until further notice with customers by appointment only; website links posted on the Boone County website to receive updated information regarding the Coronavirus and an information letter shared with County Officials and department heads. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

## Public Comments:

- Jim Lightner, St. Edward, provided history to the Board of the approved FEMA St. Edward Southwest C000605015P Bridge project. Lightner informed the Board that this is at least the fourth time the Bridge has been washed out and repaired since 1950. Lightner suggested not spending the funds again to repair the bridge and find an alternate route to the City of St. Edward lagoons.
- Chuck Rolf, Ag Society, updated the Board on the new fairgrounds building project.
- Denny Johnson, Sheriff, updated the Board regarding Law Enforcement protocol procedures in regard to the Coronavirus.
- Vice Chairman Temme updated the Board regarding the Disaster Declaration he signed on March 19, 2020 to declare a state of emergency on behalf of Boone County due to Coronavirus as provided by Denise Ziemba, Region 44 Emergency Manager.

Vice Chairman Temme declared the meeting adjourned at 12:41 P.M., with the next Board meeting scheduled for Monday, April 13, 2020.

Kathy Thorberg,



# Boone County Board Minutes



Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 13, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 13, 2020, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen joined the meeting by teleconference call/video conference at 9:10 A.M. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. 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 Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$88,293.61; Road/Weed - \$179,286.93; Boone County Visitor's Promotion - \$1,283.99; Inheritance Tax (2700) - \$54,509.88; 911 Emergency Management (2910) - \$155.01; 911 Wireless Service (2913) - \$490.86; 911 Wireless Service Holding (2914) - \$14,476.00; Fair Building (4025) - \$175,784.28; Ambulance - \$2,153.14. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Rasmussen. Motion carried.

Motion made by Rasmussen, second by Rutten to approve an Accounts Payable Vendor Claim filed for payment on the General fund for Vendor ID No. 1399 in the amount of \$71.62, a non-exclusive open contract for purchases for the county. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Abstain: Temme. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of March 25, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the following reports of the County Officials as presented for March, 2020:

- Clerk - \$16,872.00 (State of Nebraska \$10,237.79)(County of Boone \$6,634.21)
- Clerk of the District Court - \$1,790.86 (State of Nebraska \$737.00)(County of Boone \$1,053.86)
- Sheriff - \$1,257.18
- Planning & Zoning - \$150.00
- Treasurer - Miscellaneous Receipt Nos. 17695-17801 - \$1,395,553.78
- Treasurer - Total Collections - \$3,436,282.98

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



# Boone County Board Minutes



The Board received Payment Application No. 16 from Rathman Manning Construction for the fairgrounds building. The payment request is for a portion of the tiling, acoustical ceilings, painting, plumbing, fire system, electrical system and HVAC system. Motion made by Temme, second by Rasmussen to approve payment number sixteen for \$175,784.28 from Rathman Manning Construction as submitted. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings. Steve Pritchard, UNL Extension, discussed by teleconference call the office claim filed for the purchase/lease of a new laptop computer with the Board. Pritchard informed the Board that the UNL Extension office replaces computer equipment approximately every four years and that the equipment being re-placed is either returned to UNL or used with youth interns/youth programs. The request is for replacement of the 2017 equipment used by the Extension office administrative assistant personnel. Pritchard said that the present computer equipment is having issues. The requested leased bundle includes: Windows 15-inch laptop, dual monitor option, Microsoft office and a setup, maintenance and disposal fee. Pritchard informed the Board that the lease amount of \$1,200.00 is a one-time computer inclusive amount that includes IT Support and any future software or hardware maintenance. Motion made by Rutten, second by Temme to approve a leased computer system bundle through the UNL Extension Commodity Technology Program for a new Windows 15-inch laptop with accessories; UNL Extension owns the equipment; the total invoice with 5% administrative fee minus the UNL \$700.00 cost share; and the County pays the leased share of \$1,200.00. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: none. Motion carried.

Denny Johnson, County Sheriff, and Laurie Krohn, County Treasurer, submitted a Distress Warrant Report with regard to the 2018 personal property taxes. The distress warrants that were issued in November 2019, were all collected by the County Sheriff's office and returned back to the County Treasurer's office on March 27, 2020. The total collected on twelve distress warrants without penalties was \$8,198.60. There are no distress warrants unpaid as of March 27, 2020. Motion made by Temme, second by Rutten to accept and approve the County Sheriff and Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Due to the Coronavirus (COVID-19) and the locking of the courthouse doors on March 23, 2020 the Board discussed the issue to continue allowing or to disallow a driver examiner and their customers in the Boone County Courthouse. Motion made by Rutten, second by Rasmussen to not allow the driver examiner and their customers in the Boone County Courthouse until the Governor lifts the executive order in regard to distancing and the Coronavirus pandemic. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Jerry Hagemann, representative for Veterans of Foreign Wars Post #736, Albion, is completing documents to request a Vietnam-era tank to be displayed in Boone County. Hagemann discussed the request and procedure with Commissioner Temme. Temme updated the Board in regard to the Veterans of Foreign Wars Post #736, Albion request to display a Vietnam-era tank on County owned property by the Boone County Fairgrounds entrance signage. The application document for the combat material requires land owner approval from the entity where the combat material will be displayed. The Board discussed that if the Veterans of Foreign Wars Post #736, Albion receives the tank for display, that they should probably consider erecting a fence around the tank for security and safety reasons. Motion made by Rasmussen, second by Rutten to approve allowing the placement of a Vietnam-era tank to be placed by the entrance signage on the County owned property known as the Boone County Fairgrounds by the Veterans of Foreign Wars Post #736, Albion as requested. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



Donald F. Seier, Co-Trustee, requested permission to bore an electrical cable under a county road commonly known as 240<sup>th</sup> Avenue running north and south between Sections 28 and 29, all in Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical cable commences from a utility pole located in the county road right-of-way of the NW1/4 of Section 28; running thence West to a new grain bin to be located in the NE1/4 of Section 29, all in Township 22 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. 2020-11, granting permission to Donald F. Seier to bore an electrical cable under a county road known as 240<sup>th</sup> Avenue to the NE1/4 of Section 29, Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for a new grain bin. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On September 9, 2019 the Board approved a resolution authorizing the issuance of Limited Tax County Road Bonds, Series 2019, (Highway Allocation Fund Pledge Bonds) of the County of Boone, Nebraska in aggregate 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. The first interest payment of the bonds is payable in June 2020. Motion made by Rasmussen, second by Temme to approve Resolution No. 2020-12, hereby authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$70,000.00 from the Road Fund (0200) to the Highway Allocation Bond Repay Fund (3700). Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Each county is to annually develop, adopt, and maintain as a public record its One and Six Year Road Improvement Program, a plan for specific road improvements for the current year. Motion made by Temme, second by Rutten to approve Resolution No. 2020-13, to set a public hearing for 10:00 A.M. on Monday, May 11, 2020 for the County One and Six Year Road Improvement Program. 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 2020 CAT Motor Grader Serial #N9500336 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 \$382.88. The two year service total is approximately \$3,063.00. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Vice Chairman to sign the NMC CAT Basic Customer Support Agreement quote number 040320090842 for \$382.88 per service kit at 250 hour intervals for the 2020 CAT Motor Grader Serial #N9500336 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

As part of the East Central PET & Interoperable Communications Region, the East Central 911 Service Providers in this region recognized the extreme importance of organizing and entering into Interlocal Agreements, thus creating the East Central Equipment Consolidation Project in 2012. This group purchased and are sharing 911 equipment. The County of Boone, Nebraska is a member of the East Central PET & Interoperable Communications Region. The secondary representative appointed in 2017 is no longer an employee of the County. Motion made by Temme, second by Rutten to appoint Denny Johnson, Boone County Sheriff, as the primary representative and John Buck, Boone County Chief Deputy Sheriff, as the secondary representative, to the EC-911 Consolidation Project, which is part of the East Central PET & Interoperable Communications Region, effective April 13, 2020. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



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Jack Nordeen, County Weed Superintendent/Signage Technician, discussed his insurance and benefits concerns with the Board. Nordeen inquired if changes were made to the County NACO/BCBS insurance coverage plan. Nordeen said that his doctor has ordered a certain medical test that was denied by the insurance company. Nordeen said that he personally visited with the insurance company and once again he is advocating for the County to employ a separate individual as HR in order for the HR person to discuss his situation with the insurance company. Following a telephone call to NACO/BCBS personnel Nordeen was informed that neither NACO/BCBS nor a County HR individual cannot discuss your medical situation or interfere with medical decisions with your doctor/insurance and if they could it would not change the outcome of the doctor/insurance decision due to HIPPA protection. Either the insurance company decided it was not a necessary exam/procedure or possibly the medical personnel needs to re-code the doctor's request. Commissioner Temme plans to contact NACO/BCBS personnel for clarification and will relay information to Nordeen.

In addition, Jack Nordeen, County Weed Superintendent/Signage Technician and Steve Rasmussen, Road District #2 employee, discussed with the Board recent information received in regard to the Coronavirus (COVID-19) Families First Coronavirus Response Act (FFCRA), Emergency Paid Sick Leave Act (EPSLA) and Emergency Family and Medical Leave Expansion Act (EFMLEA). The first four (1-4) qualifying reasons for leave related to COVID-19, the individual(s) are quarantined for fourteen (14) days, which is described as not leaving your home. Rasmussen suggested possible changes for the County Road Department employees and shop buildings in order to more effectively limit the chance of Coronavirus infection. The County Clerk's office has ordered the time clock cards for employees to use verses the finger print; keep the shop building doors locked to coincide with the courthouse locked doors; and have freight shipments dropped off outside the door and an employee takes it into the shop later.

Barb Hanson, County Assessor and the Board discussed re-appraisal projects for the fiscal year 2020-2021. Hanson said that the current 2019-2020 re-appraisal project of residential property in the City of St. Edward and Village of Petersburg is almost completed. A re-appraisal fly-over (aerial photos) project of the rural area has been postponed the past several years and needs to be completed. Hanson estimated a rural aerial photo re-appraisal project to be approximately \$25,000.00. Hanson informed the Board that a re-appraisal of the rural parcels needs to be completed, but may be delayed a year. A re-appraisal estimate for all rural parcels is approximately \$140,000.00-\$160,000.00. The consensus of the Board to complete the re-appraisal fly-over (aerial photos) project and delay the re-appraisal of the rural parcels for a year.

John Morgan, County Attorney, met with the Board in regard to a personnel matter. Morgan informed the Board that in his opinion the employee situation and employee information should have been handled by the respective elected official and not by a non-respective department head/elected official. With the opinion of the County Attorney and a written statement from the respective elected official, the consensus of the Board is to restore the five days of benefits/pay to said employee. The Board apologized to the employee and respective elected official for any inconvenience and misunderstanding from all involved with the action that was addressed with the respective employee.

The Board met with the county elected officials: Assessor, Attorney, Clerk, Treasurer and Sheriff to discuss any issues. The Board reviewed request forms, policy, etc. in regard to the Coronavirus (COVID-19) Families First Coronavirus Response Act (FFCRA). The elected officials received a set of the information/forms to share with their respective employees. Motion made by Temme, second by Rutten to approve a policy through the forms: Request for EFMLA, Request for Leave of Absence, Notice of Eligibility and Rights & Responsibilities, and Designation Notice. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Board met with the county department heads: Highway Superintendent, Maintenance, and Veteran Officer to discuss any issues. In addition, UNL Extension was on teleconference call/video conference. In addition, Janice Rasmussen of Albion was on teleconference call. The Board reviewed request forms, policy, etc. in regard to the Coronavirus (COVID-19) Families First Coronavirus Response Act (FFCRA).

The department heads received a set of the information/forms to share with their respective employees. Janice Rasmussen suggested that during a teleconference call that the individual speaking state their name. The elected officials and department heads meetings were separate in order to comply with the Chief Public Health Officer issued Directed Health Measure Order on April 4, 2020 concerning COVID-19 of no more than ten patrons present and a minimum of social distance of six feet.

In addition, the following was discussed for all county employees:

- Wash your hands often or clean your hands with alcohol-based hand sanitizer.
- Clean all touched surfaces every day before use and after use (ex: doorknobs, phones, counters, fixtures, vehicle steering devices, etc.)
- Cover coughs and sneezes with a tissue or your clothing and wash/sanitize hand immediately.
- Practice the social distancing.
- To make employees aware, a possible future option for the County is a reduction in force from any department.
- A letter to be sent by email to and for the elected officials and department heads to inform county employees to not leave their vehicle parked in the Courthouse West parking lot during their work hours. An employee with handicap plates or visible permits may utilize the parking on the North side of the Courthouse West entrance doors. The Drop Box that is for public use is being blocked or hard to access when the parking lot is filled with employee vehicles.

Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – April 20, 2020.
- Commissioner Rutten asked John Morgan, County Attorney, to look into the road between Boone and Greeley Counties in regard to the diversion of the creek into the Boone County road ditch.
- Stacey Ziemba, Highway Superintendent, updated the Board on road department activity, maintenance projects and stock piling of aggregate.
- Rod Nelson, Maintenance, asked the Board that his cell phone number be posted on the courthouse outside doors in order for deliveries to have a contact number during the locked door until the pandemic is lifted.
- Jacqueline Wells, Veteran Service Officer, updated the Board regarding office activity and cancellation of annual meetings/training.
- Commissioner Temme updated the Board on the progress of the new fairgrounds building.
- The Board acknowledged receiving a letter from the Nebraska Commission on Law Enforcement and Criminal Justice that determined the Boone County Jail facility to be in full compliance.

Vice Chairman Temme declared the meeting adjourned at 1:15 P.M., with the next Board meeting scheduled for Monday, April 20, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
APRIL 20, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 20, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen joined the meeting by teleconference call/video conference at 9:11 A.M. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. 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 Rasmussen to approve the County Board Proceedings of April 13, 2020 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board reviewed an EFMLA/EPSLA request that was submitted by a county road employee. The Board reviewed and discussed the EFMLA/EPSLA request with the county road employee and county highway superintendent in regard to the reason for leave due to school/daycare closing. The EFMLA/EPSLA request for the fourteen days/eighty work hours was granted.

Jacqueline Wells, Boone/Greeley County Veterans Service Officer submitted written reports for the months of January, February and March 2020 for the Board to review. The Board reviewed the written reports in regard to the Veterans Service office first quarter of 2020 activity. Motion made by Temme, second by Rutten to approve as submitted the first quarter of 2020 reports by the Boone/Greeley County Veterans Service Officer. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

In November of 2016 the County of Boone purchased a fraction of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as the Kohtz property south of and adjacent to the Boone County Fairgrounds property. In December 1967 a permanent easement was assigned to the City of Albion to maintain and construct an earthen dam with spillways on said property that is currently owned by the County. The "Kohtz-City of Albion Detention Dam" was approved by the U.S. Department of Agriculture Soil Conservation Service and filed with the State of Nebraska, Department of Water Resources in December 1967. The City of Albion is planning to sell the former swimming pool property to the Boone County Health Center for their facility expansion project.

The Board's decision to transfer the approximate 10.93 acres of property known as the "Kohtz-City of Albion Dam" to the City of Albion, could possibly help the City of Albion to fulfill their requirement of replacing the former swimming pool property (a grant from the Game & Parks Department for purpose of outdoor recreation) with property of equal or greater value for outdoor recreation. The county board shall print and publish in a legal county newspaper a notice stating the legal description/address of the real estate at least thirty days prior to the transfer. Motion made by Temme, second by Rutten to publish in the Albion News, a weekly newspaper on Wednesday, April 22, 2020, a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the City of Albion as hereto attached to the proceedings. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings. Stacey Ziemba, County Highway Superintendent and Mary Ziemba, County Zoning Administrator, presented a Cost Per Image Agreement No. 1561413 from One Office Solution of Norfolk, NE for the Board to review. Ziemba informed the Board that the shared copy machine was a used copy machine purchased in July 2016 and it has stopped working. The agreement being reviewed is a Lease Agreement for a new color copy machine, Sharp MX-3071 System for sixty-three months at \$85.56 per month, plus a monthly maintenance fee based on an amount for black & white copy images and color copy images. Motion made by Rasmussen, second by Temme to approve and authorize the Board Vice-Chairman to sign Cost Per Image Agreement No. 1561413 for a new color copy machine Sharp MX-3071 System for the County Highway Superintendent and Zoning offices from One Office Solution for a sixty-three months lease at \$85.56 per month, plus a monthly maintenance fee as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. 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 was discussed:

- The annual Highway Superintendent conference in June has been cancelled.
- Bob Thompson Construction plans to start erecting the replacement building at Road District #3, Petersburg this week. The original building was damaged in June 2018 and removed in 2018.
- Discussed a drainage issue off of State Highway 56 west of St. Edward. Commissioner Rutten suggested that the Highway Superintendent set up a meeting with the Nebraska Department of Transportation at the site/location of the drainage issue.

The County Highway Superintendent and the Board discussed replacement of a 1996 International semi-truck tractor that cost approximately \$12,800.00 in repairs the past year. The 1996 International semi-truck tractor has 775,000 miles and is located in Road District #2, Albion. The Highway Superintendent plans to obtain state bid(s) for a new semi-truck tractor. The 1996 International will either be a trade-in or sold separately. Motion made by Rutten, second by Temme to authorize the County Highway Superintendent to obtain state bid(s) for a new semi-truck tractor to replace the 1996 International semi-truck tractor located in County Road District #2, Albion. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent and Board discuss yearly re-occurring problems with the planting of crops in the county road right-of-ways, ditches and around the signage in county road right-of-ways. A Public Notice is published in the newspapers each year and it is posted on the County of Boone website under the Highway Superintendent tab. The Nebraska State Statute Chapter §39-301 through §39-311 addresses penalties when any person injures or obstructs a public road and road right-of-ways. The Board suggested that the Highway Superintendent discuss the matter with the County Attorney and have the County Attorney send registered letters to those who are in violation of the law.

The County Highway Superintendent informed the Board that she plans to advertise for a full-time employee position and a part-time employee position for the county road department. She said that there is talk that one of the road employees is looking elsewhere for work and with the coronavirus epidemic she is not sure how many will be requesting additional time off. She felt that having a part-time employee, at no more than nineteen hours per week, would be beneficial for the summer/fall months. She also felt that the county needs another excavator operator to help the culvert/dirt crew. The consensus of the Board to allow the County Highway Superintendent to advertise for the positions she discussed and the Board informed the Highway Superintendent that they may not approve hiring any additional help at this time, due to they have mentioned possible layoffs/furloughs due to possible lack of work during the coronavirus epidemic.



# Boone County Board Minutes



County Board of each county of this state to visit the jail of its county per Nebraska State Statute §47-109. Due to the Coronavirus epidemic the Board conducted the routine visit of the Boone County Jail per Nebraska State Statute by visiting in person with Denny Johnson, Boone County Sheriff. Johnson informed the Board that there were no changes to the facility since the Board's last walk through visit on January 21, 2020.

Motion made by Temme, second by Rutten to recess at 11:15 A.M. from the Commissioners Meeting Room of the Courthouse location and to continue their meeting with the Boone County Agricultural Society, Inc. representatives at the Boone County Fairgrounds location. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Dave Noble and Chuck Rolf, Boone County Agricultural Society representatives; Stacey Ziemba, County Highway Superintendent; Dan Stankoski, County General Road Foreman; and Steve Pritchard, UNL Extension, met at the Boone County Fairgrounds site to discuss road access and parking area to the new fairgrounds building. The County is being asked by the Boone County Agricultural Society to provide a culvert and aggregate for an access road and parking area to and around the new fairgrounds building. No action was taken by the Board.

Motion made by Rutten, second by Temme to reconvene at 12:35 P.M. at the Commissioners Meeting Room of the Courthouse location from the Boone County Fairgrounds location to continue the Board meeting. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed an EFMLA/EPSLA request that was submitted by a county courthouse employee. The Board reviewed and discussed the EFMLA/EPSLA request and other employment concerns with Cynthia Fulton. In addition, the County Assessor, Highway Superintendent and Zoning Administrator discussed Fulton's request and concerns with the Board in regard to the reason for leave due to school/daycare closing. The EFMLA/EPSLA request for two hundred thirty two work hours was granted.

## Public Comments:

- Meetings: Boone County Health Center – April 28, 2020.
- Denny Johnson, Sheriff, updated the Board regarding information from the Nebraska Law Enforcement Training Academy of the spring training delay and changes due to the coronavirus epidemic.
- Denny Johnson, Sheriff, suggested that the Board discuss a location/building for the County to use for storage and law enforcement impounded items.
- Mary Ziemba, Zoning Administrator, updated the Board in regard to a possible infraction of zoning regulations. The Board suggested to Ziemba to contact the County Attorney for assistance.
- 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.

Vice Chairman Temme declared the meeting adjourned at 1:45 P.M., with the next Board meeting scheduled for Monday, April 27, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## 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 City of Albion, Nebraska, a political subdivision in and for the State of Nebraska.

Addresses collective known as: Kohtz City of Albion Dam, Albion, Nebraska.

### KOHTZ DAM:

A TRACT OF LAND COMPRISING A PART OF THE NE1/4 OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M., BOONE COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER THE NE1/4; THENCE N87°55'00"E, AND ON THE SOUTH LINE OF SAID NE1/4, 1199.80 FEET TO THE POINT OF BEGINNING; THENCE N02°05'00"W, 465.00 FEET TO A 5/8" REBAR W/CAP; THENCE N11°07'06"W, 243.34 FEET TO A 5/8" REBAR W/CAP; THENCE N36°45'28"W, 246.53 FEET TO A 5/8" REBAR W/CAP; THENCE N73°10'44"W, 132.43 FEET TO A 5/8" REBAR W/CAP; THENCE N03°08'40"W, 43.16 FEET TO A 5/8" REBAR W/CAP; THENCE N55°49'10"E, 264.89 FEET TO A 5/8" REBAR W/CAP; THENCE S75°14'49"E, 485.48 FEET TO A 5/8" REBAR W/CAP ON THE WEST LINE OF ANDERSENS SECOND SUBDIVISION; THENCE S01°31'52"E, AND ON THE WEST LINE OF SAID ANDERSENS SECOND SUBDIVISION, 994.31 FEET TO A 5/8" REBAR W/CAP ON THE SOUTH LINE OF SAID NE1/4; THENCE S87°55'00"W, AND ON THE SOUTH LINE OF SAID NE1/4, 374.94 FEET TO THE POINT OF BEGINNING, AND CONTAINING 10.93 ACRES MORE OR LESS.

Boone County Board  
of Commissioners

Larry Temme,  
Vice Chairman



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS APRIL 27, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, April 27, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen joined the meeting by teleconference call/video conference at 9:15 A.M. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. 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 Board reviewed the County Payroll Claims filed for the pay period of March 22, 2020 through April 21, 2020. The Board noted/questioned several hours of overtime for the pay period. The Board plans to visit with the respective department head(s). Motion made by Temme, second by Rutten to approve the County Payroll Claims filed for payment from the various funds: General \$101,691.31, BCBS \$50,379.42, Ameritas Ret \$7,024.95, EFTPS \$7,592.95, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$125.60; Road \$64,471.61, BCBS \$31,578.68, Ameritas Ret \$4,351.83, EFTPS \$4,867.92; Ambulance \$2,027.64, Ameritas Ret \$68.65, EFTPS \$155.11; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of April 20, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Temme, second by Rutten to accept and approve the resignation of Kassidy Roberts effective May 5, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Dean M. Seamann, Trustee and Carol A. Seamann, Trustee, requested permission to trench an electrical cable under a county road commonly known as 200<sup>th</sup> Street running east and west between Sections 19 and 30, all in Township 21 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical cable commences from a utility pole located in the county road right-of-way of the SW1/4 of Section 19; running thence south to an existing stock well located in the NW1/4 of Section 30, all in Township 21 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. 2020-14, granting permission to Dean M. and Carol A. Seamann to trench an electrical cable under a county road known as 200<sup>th</sup> Street to the NW1/4 of Section 30, Township 21 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to an existing stock well. Roll call vote: Yeas: Temme, and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Commissioner Alan Rasmussen joined the meeting by teleconference call/video conference at 9:15 A.M.





# 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:

- No report has been received from Mid-State Engineering & Testing, Inc. in regard to the engineering study for the six pavement and subgrade pavement of County roadways proposed projects.
- To date no meeting has been set up with the Nebraska Department of Transportation at the site/location of the drainage issue off of State Highway 56 west of St. Edward.
- To date no letters have been sent to the landowners in regard to the prior discussion of the yearly re-occurring problems with the planting of crops in the county road right-of-ways, ditches and around the signage in county road right-of-ways.
- Commissioner Rutten informed the Board that the action taken in March to remove the beaver doing depredation of dam building didn't last long as the beaver is back. Rutten applied for depredation permit to remove the beaver dam built on the Bogus Creek two miles south of St. Edward on 357<sup>th</sup> Street.
- Commissioner Temme and Rutten noted that the road grader operators have been working some of the Minimum Maintenance Roads the past weeks and they are looking good.

The Board received approximately 150 signatures as a symbol of the importance to repair the Pilot Knob Bridge that was damaged in the 2019 flood. The Board forwarded the documents to the County Highway Superintendent for the Pilot Knob Bridge file. The flood damage was extensive to the bridge with two of the timber spans collapsing and significant loss of material. To date no decision has been made to either replace/repair the bridge or remove the structure completely. Motion made by Rutten, second by Temme acknowledging that the Board received written documents with approximately 150 signatures of citizens that show interest in repairing/replacing of the Pilot Knob Bridge and the Board asked the County Highway Superintendent to contact an engineering firm for estimates to repair/replace the bridge structure and for estimates to remove the bridge structure completely. 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, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings. Kathy Thorberg, Boone County Clerk, presented quotes from Eakes Office Solutions and One Office Solution for purchase of either a Sharp MX-3071 or MX-3571 Color Copy Machine for the Board to review. The Clerk's office present copy machine is black/white and was purchased in 2017. The Clerk's office Dell color laser printer purchased in 2018 is not working correctly and is the second printer in five years. The Clerk's office is requesting to replace the black/white copy machine with a color copy machine and then will no longer need to replace the Dell color printer. The Clerk's office has some documents where color print is needed. The only difference between the features of the Sharp MX-3071 (30 pages per minute) and MX-3571 (35 pages per minute) is the pages per minute. The quotes received: One Office Solution: MX-3071 - \$4,420.00; MX-3571 - \$5,379.00; maintenance paid quarterly - \$.005 per black/white copy and \$.038 per color copy. Eakes Office Solutions: MX-3071 - \$4,090.00; MX-3571 - \$4,975.00; maintenance paid quarterly - \$.0049 per black/white copy; \$.034 per color copy and maintenance rate locked in for two years. One Office allowed \$600.00 trade-in; Eakes allowed \$800.00 trade-in for the 2017 B/W copy machine.

Motion made by Rutten, second by Rasmussen to approve and authorize the County Clerk to purchase a new Sharp MX-3071 color copy machine from Eakes Office Solutions for \$4,090.00; a two year locked in maintenance rate of \$.0049 per black/white copy, \$.034 per color copy; and the maintenance fee paid quarterly as quoted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



The Board and Barb Hanson, Assessor, discussed the Notice of Hearing received from the Nebraska Tax and Equalization and Review Commission (TERC). Hanson explained that the level of value indicated on the transcript submitted for the Valuation Group 1 subclass of the residential class of real property (Albion) is 101.91% of actual or fair market value. The acceptable ratio range for the median of the assessment/sales ratio for said subclass is 92% to 100% of actual value or fair market value. Hanson explained the findings of the internal office error to the Board. TERC has recommended a downward adjustment in the amount of 6% for the land and improvement components of all parcels in the Valuation Group 1 subclass of the residential class of real property. Hanson plans to attend the hearing on April 28, 2020 at 9:00 A.M. by videoconference. Hanson said that her recommendation to TERC will be to reduce dwelling and outbuilding values by 6% and to maintain the current land values.

The Board discussed the need for the County to have a building/location to use for storage of surplus items and law enforcement impounded items. In addition, the only access key to said building/location would be in the possession of the Boone County Sheriff. The Board and Sheriff plan to visit with a Boone County Agricultural Society board member and look at some of the buildings located on the County fairgrounds property for possible County storage use.

Motion made by Temme, second by Rutten at 10:45 A.M. to continue the Board of Commissioners Meeting at the Boone County Fairgrounds and County crop ground location. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Chuck Rolf, Boone County Agricultural Society, Inc. representative; and Stacey Ziemba, County Highway Superintendent, met at the Boone County Fairgrounds site to discuss removal of the clay that was deposited/packed onto the County crop ground area during construction of the new fairgrounds building. Nathan Olson, Lessee, of the County crop ground area, was not available to join the Board meeting at the County crop ground site. Consensus of the Board is that the clay will be removed from the County crop ground site and used on the fairgrounds area to build up an access road and parking area for the new fairgrounds building.

## Public Comments:

- Meetings: Boone County Health Center – April 28, 2020; Northeast Nebraska Economic Development District – April 29, 2020.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. activities.

Vice Chairman Temme declared the meeting adjourned at 11:30 A.M., with the next Board meeting scheduled for Monday, May 11, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MAY 11, 2020  
ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 11, 2020, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen joined the meeting by teleconference call/video conference at 9:20 A.M. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. 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 Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. Motion made by Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$58,748.88; Road/Weed - \$458,253.57; Boone County Visitor's Promotion - \$67.50; 911 Emergency Management (2910) - \$1,998.65; 911 Wireless Service (2913) - \$4,490.74; Fair Building (4025) - \$13,887.00; Ambulance - \$1,892.38. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Rasmussen. Motion carried.

Motion made by Rutten, second by Rasmussen to approve an Accounts Payable Vendor Claim filed for payment on the Road fund for Vendor ID No. 1399 in the amount of \$60.44, a non-exclusive open contract for purchases for the county. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Abstain: Temme. Motion carried.

The Board accepted and approved a written resignation from a full-time County Sheriff's office employee at their April 27, 2020 Board meeting. Motion made by Rutten, second by Temme to approve a Payroll Claim filed for payment on the General Fund for a net amount of \$1,091.48 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Abstain: Rasmussen. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Proceedings of April 27, 2020 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the following reports of the County Officials as presented for April, 2020:

- Clerk - \$9,715.00 (State of Nebraska \$4,754.89)(County of Boone \$4,960.11)
- Clerk of the District Court - \$643.26 (State of Nebraska \$391.00)(County of Boone \$252.26)
- Sheriff - \$723.71
- Planning & Zoning - \$260.63
- Treasurer - Miscellaneous Receipt Nos. 17802-17866 - \$563,659.01
- Treasurer - Total Collections - \$7,559,506.77

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



# Boone County Board Minutes



The Board received Payment Application No. 17 from Rathman Manning Construction for the fairgrounds building. The payment request is for completion of the concrete and masonry. Motion made by Rutten, second by Rasmussen to approve payment number seventeen for \$13,887.00 from Rathman Manning Construction as submitted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board reviewed the information provided by NACO BCBS regarding the employee health/dental insurance. This year the overall increase to the NACO Health and Dental insurance pool with Blue Cross Blue Shield Nebraska will be 0% for health and dental base rates for fiscal year 2020-2021. The sub-group application/coverage election form needs to be received at BCBS Nebraska no later than May 29, 2020. The County Clerk's office plans to distribute a copy of the premium rates 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 Rutten, second by Rasmussen to approve the NACO BCBS Medical PPO Health Plan with \$1,500.00 deductible and Dental PPO Plan (Premier Option 3) for the period of July 1, 2020 through June 30, 2021 and authorize Larry Temme, Board Vice Chairman, to sign the 2020 NACO Subgroup Application Coverage Election Form. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board reviewed the Long-Term Disability Insurance renewal from Madison National Life Insurance Company, Inc. for July 1, 2020 to July 1, 2023. There will be no rate adjustment and the rate will remain at \$2.27 per month per full-time employee (40 hour work week). The Long-Term Disability insurance rate is included for the employee (policyholder) within the NACO BCBS health insurance monthly premium. Motion made by Temme, second by Rutten to approve and authorize the Board Vice Chairman to sign the Long-Term Disability Insurance document for July 1, 2020 to July 1, 2023 with Madison National Life Insurance Company. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Ambulance Service submitted a July 2018 uncollectible ambulance account that the Board reviewed on April 29, 2019 and turned over to the County Attorney for further collection. The patient passed away August 31, 2018 and no payments were received or collected on said County Ambulance Service account. Motion made by Temme, second by Rasmussen to write off the July 2018 County Ambulance Service account in the amount of \$2,280.00. Roll call vote: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Edmond Knott, Applied Connective Technologies LLC, submitted a Managed Service Agreement for the Board to review. The present agreement with Applied Connective Technologies for technical support services, maintenance of county equipment and help desk services expires June 30, 2020. The term of this Agreement shall be for twelve months beginning July 1, 2020 and ending on June 30, 2021. This Agreement shall automatically renew for successive terms of the same duration unless either party submits written notice of their intent to terminate this Agreement. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Vice Chairman to sign the Managed Service Agreement between Applied Connective Technologies LLC and County of Boone, Boone County Courthouse for \$13,750.00 for the fiscal year 2020-2021 to be billed and paid in monthly payments for only County owned equipment as submitted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Edmond Knott, Applied Connective Technologies LLC, submitted a Software As A Service (SaaS) Agreement for the Board to review. The present agreements with Applied Connective Technologies for software, email, Microsoft 365, firewall and security subscription services expires June 30, 2020. The term of this Agreement





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shall be for a period of twelve months beginning July 1, 2020. This Agreement shall automatically renew for successive terms of the same duration unless either party submits written notice of their intent to terminate this Agreement. Motion made by Rasmussen, second by Temme to approve and authorize the Board Vice Chairman to sign the Software As A Service (SaaS) Agreement between Applied Connective Technologies LLC and County of Boone, Boone County Courthouse for \$6,765.00 for the fiscal year 2020-2021 to be billed and paid in monthly payments for only County owned equipment as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The fiber optic internet services for the courthouse has been provided by Netlink LLC, a wholly-owned subsidiary of Great Plains Communications LLC since 2014. Also, Great Plains Communications LLC has fiber optic to the courthouse for the State of Nebraska equipment. The present Agreement with Great Plains Communications LLC/Netlink LLC has expired. Ed Knott, Applied Connective Technologies LLC, provides technical support service for the County and obtained quotes for internet services for the Board to review. The quotes for 50 x 50 Mbps for 48 months: Eagle Communications - \$300.00/month and Great Plains Communications - \$200.00/month. The Board discussed the quote differences and that there is no need to change the current internet services to the courthouse. Motion made by Temme, second by Rasmussen to approve and authorize the Board Vice Chairman to sign the Service Order Agreement for Internet Services at a rate of \$200.00 per month for a term of 48 months between Great Plains Communications LLC/Netlink LLC and County of Boone, Nebraska as submitted. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings.

Kathy Thorberg, County Clerk/Register of Deeds, presented a quote to the Board for their review regarding the purchase of ten hard bound books/binders and ten reams of recording paper for Register of Deeds records. The quotes are: 1-9 books/binders at \$93.50 each or 10-24 books/binders at \$90.50 each; and 9 x 15 ream of recording paper (500 sheets) 1-9 reams at \$106.25 per ream or 10-24 reams at \$102.75 per ream from RC Enterprises. Motion made by Rasmussen, second by Rutten to approve the purchase of ten record books/binders for \$905.00 and ten reams of recording paper for \$1,027.50 plus freight from RC Enterprises as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent, submitted a state bid quote for a new semi-truck tractor from Cornhusker International Truck, Inc. of Norfolk, Nebraska. The factory list price for a 2021 International truck-tractor is \$270,069.07 and the state bid government price is \$130,993.00. The new semi-truck tractor is for Road District #2, Albion, replacing the (purple) 1996 International semi-truck tractor. Motion made by Rasmussen, second by Rutten to approve and authorize the Board Vice Chairman to sign the purchase order quote for one state bid 2021 International truck-tractor for \$130,993.00, with no trade-in as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: none. Motion carried.

The County Highway Superintendent informed the Board that the 2002 Trail Blazer Belly Dump Gravel Trailer, that received damage during the March 2019 flood, is not operating correctly. The Board recommended that the County Highway Superintendent obtain trailer quotes for the Board to review.

The County Highway Superintendent received one application for the advertised county road job position. The Board asked the Highway Superintendent if there was a need for another full-time road employee and if any current road employees mentioned they were planning on leaving employment. Currently there are nineteen employees, including the highway superintendent position, receiving payroll/benefits from the Road/Weed Fund.



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After a lengthy discussion the Board decided that there is no need to hire additional employees for the road department at this time.

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 2010 Freightliner truck located at Road District #2, Albion is in need of a new transmission. Plans are to take the truck to Norfolk for repair this week.
- Plans are to install the tubes this week that have been requested for driveways.
- Plans are to remove some trees this week in some of the county road right-of-ways.
- Commissioner Rutten reported that the Nebraska Department of Transportation are not planning on helping with the drainage issue off of State Highway 56 west of St. Edward.

Commissioner Rasmussen excused himself from the teleconference call/video conference at 11:10 A.M.

The Board; County Highway Superintendent; Chuck Rolf, Boone County Agricultural Society, Inc. representative; and Steve Pritchard, UNL Extension, discussed the responsibility of the construction, material and payment of the material for the access road and parking area of/for the new fairgrounds building. The Highway Superintendent informed the group that the drainage culvert and the road material should not be paid for from the County Road Fund. The County Road department installed the culvert and moved some of the clay off of the crop ground to the new building site area. The approximate cost of the culvert is \$2,000.00 and an estimate of ten loads of red rock road material to establish a solid base for an access road to and a parking area in front of the new building is \$6,500.00. The group discussed various other costs for the new building and extension office area that was not included in the construction plans or bond funding. Sources for the various costs has not been determined. The Board said that some of the various expenses should come from the extension office budget. Rolf suggested that the Boone County Agricultural Society may be able to cover \$4,000.00 of the red rock road material.

Motion made by Temme, second by Rutten to approve ordering of the red rock road material and that the County will use said road material to establish a solid base for an access road to and a parking area in front (north side) of the new fairgrounds building for the extension office use. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board and Steve Pritchard, UNL Extension, discussed new window coverings for the new extension offices in the new fairgrounds building. Pritchard said that there are six window openings in the new extension offices. Pritchard said that the windows are not a standard size or all the same size. Pritchard contacted Creative Window Designs for a quote for six custom made cordless window shades. Pritchard informed the Board that the quote is \$500.00 per window and includes installation. The Board suggested that Pritchard obtain more than one quote for the Board to review at a future Board meeting.

The Board and Chuck Rolf, Boone County Agricultural Society, Inc. representative discussed the removal of the four old fairgrounds buildings known on the lease agreement map/exhibit as S, T, U, and V and the removal/replacement of the east fence line of the fairgrounds property. The removal of the existing fence line along the east side of the fairgrounds will be removed by the County as it is in the wrong location in accordance with property surveys. At this time the Board is not in favor of replacing the fence as long as property line markers are in place.

The removal of the four mentioned fairgrounds buildings was in the many discussions prior to the approval of the construction of the new fairgrounds building. The said show arena was not safe and the other three buildings were in very poor condition. The said buildings were to be removed from the grounds to allow for



# Boone County Board Minutes



more parking for events held in the Grandstand and Boone County Event Center. Rolf said that there is interest from some county residents to salvage wood from the buildings before they are removed. The Ag Society is requesting that the old show arena (V) be left on the grounds for small animal shows. The Board plans to discuss the removal of the buildings and a timeline for the interested citizens to salvage wood from the buildings at their June 8, 2020 Board meeting.

Denny Johnson, Sheriff, presented a quote from Applied Connective Technologies LLC for a new computer to replace a computer unit in the law enforcement dispatch center. The Board recommended that Johnson obtain more than one quote for the Board to review for a new computer unit at a future Board meeting.

Denny Johnson, Sheriff, discussed the purchase of electronic generated uniform citation equipment for law enforcement vehicles with the Board. Johnson informed the Board that all Law Enforcement will install and use the new citation equipment by the end of December 2020. Johnson received estimates from Applied Connective Technologies of \$24,080.50 for equipment to be placed in the five Law Enforcement vehicles (computer/printer) and equipment/modem activation (air time) for the equipment to be placed in the five vehicles of \$6,625.00. The Board recommended that Johnson obtain more than one quote if possible for the Board to review at a future Board meeting.

Denny Johnson, Sheriff, discussed the purchase of a new in-car camera for the new law enforcement vehicle. Johnson informed the Board that the in-car cameras in the past are from Digital Ally. The Board recommended that Johnson obtain more than one quote for the Board to review at a future Board meeting.

The Board and Rod Nelson, Maintenance, discussed a building for the County to use for storage and law enforcement impounded items. The County is currently renting two storage units from Kayton International. The Board is possibly looking at a building at the fairgrounds that is empty the majority of the year. The Board, Sheriff, and Nelson plan to look at said building located at the fairgrounds to see if it meets the storage needs. The Board plans to continue the storage building discussion on May 27, 2020.

The Board discussed the present Lease Agreements for two storage units with Kayton International. The Lease Agreements require a thirty day written notice by either party to terminate the lease. The Board plans to continue the storage building discussion on May 27, 2020.

The Board, Rod Nelson, Maintenance, and Denny Johnson, Sheriff discussed the AC unit in the Law Enforcement building. The AC unit in the IT room of the basement of the Law Enforcement building is not keeping the room cool with the added equipment that was installed for the statewide radio system. Nelson had one verbal estimate of \$5,000.00 for one unit or \$8,000.00 for two units. The second unit would be used to cool the conference room area in the basement of the Law Enforcement building. The Board recommended that Nelson obtain more than one quote for the Board to review at a future Board meeting.

The Board; County Assessor, Clerk, Treasurer; and Rod Nelson, Maintenance, discussed some type of window/glass for the offices with open counter spaces before re-opening the courthouse. The Board and Nelson measured for Plexiglas panels and discussed installation. The Board recommended that Nelson obtain quotes for Plexiglas panels and installation of panels for the Board to review at a future Board meeting.

The Board; County Assessor, Clerk, Sheriff, Treasurer; Rod Nelson, Maintenance; Lisa Langan, County Court; Steve Pritchard, UNL Extension; and Pam Jochum, Attorney office employee, discussed re-opening of the county courthouse/facilities. Several items were discussed, such as requirements to wear masks and disinfectant



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cleaning/wipe down responsibility of each office area. Each department is responsible for their office area and equipment in regard to disinfectant cleaning each day. The County plans to wait for a new directive by Governor Pete Ricketts before determining the re-opening of the courthouse.

## Public Comments:

- Meetings: Northeast Nebraska Juvenile Services, Inc. – May 15, 2020; Boone County Agricultural Society, Inc. – May 18, 2020.
- Commissioner Rutten updated the Board on the NIRMA Safety Committee Assessment for Boone County that was conducted by teleconference/zoom on May 8, 2020.
- Commissioner Rutten plans to attend and represent the Board on Thursday, May 21, 2020 at 3:00 P.M. for the Boone County Health Center ground breaking for the new clinic addition to the hospital building.
- Commissioner Temme updated the Board on the progress of the new fairgrounds building.
- The Board acknowledged receiving a letter from the Nebraska Tax Equalization and Review Commission with their decision following the hearing held on April 28, 2020.

Vice Chairman Temme declared the meeting adjourned at 1:55 P.M., with the next Board meeting scheduled for Monday, May 18, 2020.

Kathy Thorberg,  
Boone County Clerk





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## PUBLIC HEARING PROCEEDINGS

### 2020 ONE AND SIX YEAR ROAD IMPROVEMENT PROGRAM BOONE COUNTY, NEBRASKA

Larry Temme, Vice Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, May 11, 2020 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 and Ben Rutten. Commissioner Alan Rasmussen joined the public hearing by teleconference call/video conference. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. Stacey Ziemba, County Highway Superintendent, was present to answer the 2020 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 2020 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 2020 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 four 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: One Year Projects – C-6(386); C-6(393); C-6(394); C-6(395); C-6(397); C-6(398); C-6(402); C-6(404); C-6(405); and Six Year Projects – C-6(359); C-6(390); C-6(392); C6(399). The plan serves as a guideline that can be amended if an unforeseen circumstance arises and needs immediate attention. Ziemba informed the Board that 2019 Projects C-6(391); C-6(400); C-6(366) were completed last year and C-6(401) was removed due to a bridge will not be built in said project area. In 2020 Projects C-6(404) and C-6(405) are newly added to the road improvement plan. The Board and Ziemba discussed the status of the asphalt (black top) roads that are in need of repair/resurfacing that have been discussed several times the past years with the County residents. The Board asked Ziemba to revise the road improvement plan to include the county asphalt (black top) roads.

Motion made by Temme, second by Rutten to close said hearing at 11:03 A.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the 2020 One and Six Year Road Improvement Program for Boone County, Nebraska with the addition of the asphalt (black top) roads and the revised 2020 One and Six Year Road Improvement Program for Boone County, Nebraska is attached hereto as part of the proceedings. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



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## **Boone County 2020 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(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(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

C-6(404): Bridge 6(00405); remove existing wooden bridge deck, add sheet pile to existing pile in both abutments. Extend all 4 wings with new sheet pile, as needed and new H-piling. Raise new bridge deck 3', install new bridge caps. Install 15" concrete slots, widen bridge deck to 20.0', install new guardrail with W6" beams and galvanized guardrail with terminals; T22N, R8W, between sections 6 and 7; 110<sup>th</sup> Street west of 110<sup>th</sup> Avenue.; \$70,000

C-6(405): Remove and replace a 72" flat bottom CMP with a CBC; T21N, R6W, Sections 23-SE & 26-NE; 200<sup>th</sup> Street, west ¼ mile; \$160,000

### **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

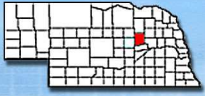
C-6(390): Bridge 6(11815); replace wooden deck with pre-cast slab deck with W-Channel guard rails; T21N, R6W, NW qtr of Section 11 and NE qtr of Section 10; 180<sup>th</sup> St. east of 260<sup>th</sup> Ave.; \$80,000

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(406): Road Resurfacing; milling, resurfacing, shoulder work; T20N, R6W, NW qtr. of Section 21; between Highway 91 and 260<sup>th</sup> Street (Country Club Road) and between Highway 91 and 240<sup>th</sup> St and 260<sup>th</sup> Street (Fairgrounds Road), approximately 1 mile; \$800,000

C-6(407): Road Resurfacing; milling, resurfacing, shoulder work; T20N, R6W, SE qtr. Of Section 21; 260<sup>th</sup> Street, between Country Club Road and 11<sup>th</sup> Street; approximately ½ mile; \$400,000



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C-6(408): Road resurfacing, milling, resurfacing, shoulder work; T20N, R6W, center of Section 27; 265<sup>th</sup> Street, between Highway Spur 6A and 6<sup>th</sup> Street; approximately 1 mile, \$800,000

C-6(409): Road Resurfacing; milling, resurfacing, shoulder work; 255<sup>th</sup> Avenue from Highway 91 going north to 210<sup>th</sup> Street; T20N, R6W, Sections 15 center, 10 center, 3 center NW qtr.: T21N, R6W, Section 34, center, approximately 4 miles; \$3.2 million

C-6(410): Road Resurfacing; milling, resurfacing, shoulder work; 220<sup>th</sup> Avenue between Highway 14 and Old Mill Road; T20N,R6W, Section 7 NW qtr. and Section 6 SW qtr. and NW qtr.; approximately 1.25 miles; \$875,000



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BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
MAY 18, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, May 18, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Commissioner Alan Rasmussen arrived at 9:05 A.M. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. Due to the Coronavirus the Board is asking that only essential, time-sensitive matters for in person public attendance and if possible conduct their matter during the Board meeting by teleconference call/video conference. 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 Temme, second by Rutten to approve the County Board Proceedings of May 11, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board 2020 One and Six Year Road Public Hearing Proceedings of May 11, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Commissioner Rasmussen arrived at 9:05 A.M.

Shannon Halsey, Branding Iron Grill and Pub of Tilden, Nebraska, submitted an application for a Special Designated License (SDL) for June 20, 2020. The Board reviewed the application for a Special Designated License (SDL) for a wedding reception scheduled for Saturday, June 20, 2020 at the Creek Road Barn, 1846 330<sup>th</sup> Avenue, Newman Grove, Nebraska. Motion made by Temme, second by Rasmussen 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 June 20, 2020 as submitted. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, updated the Board in regard to Emergency Management activities. The Board asked Ziemba to attend a Board meeting once a month in order to keep them updated in regard to Emergency Management activity. Ziemba informed the Board that the annual meeting for Boone County Mutual Finance Organization (MFO) is scheduled for Thursday, May 21, 2020 at 8:00 P.M. at the Albion Fire Hall.

In addition, Ziemba presented a revised Interlocal Agreement for the Board to review. The present Interlocal Agreement for Emergency Management Services by and between the Counties of Boone, Nance and Merrick is effective through June 30, 2024. Ziemba informed the Board that one of the revisions to the agreement includes increasing the sinking fund in order to purchase a different emergency management vehicle and include funding for emergency supplies. The Board suggested that funding for a vehicle be budgeted in the Emergency Management budget in the General Fund under Capital Outlay and not in a separate sinking fund. The Board asked Ziemba to discuss the budget funding option with Nance and Merrick County Boards. The Board plans to compare/review the Interlocal Agreement differences before making a decision.





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Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 9:54 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten, Larry Temme and Alan Rasmussen; Rod Nelson, Courthouse Maintenance; Denny Johnson, Sheriff; Kathy Thorberg, County Clerk; Stacey Ziemba, County Highway Superintendent; Jacqueline Wells, County Veteran Service Officer; 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) The NIRMA training courses to be offered for employees in regard to Fire Extinguisher, Violence and Harassment that were scheduled for May have been postponed until the Coronavirus restrictions are lifted; (2) A resolution will be drafted for the May 27, 2020 Board meeting to adopt the County Safety Manual; (3) The County plans to wait for a new directive by Governor Pete Ricketts before determining the re-opening of the courthouse in regard to the COVID-19; and (4) Nelson reported that the first aid kits and fire extinguishers have been placed in the County vehicles. New business that was addressed/reviewed: (1) The March state wide tornado drill was cancelled; (2) Courthouse fire drill is scheduled for Friday, May 29, 2020 at 8:15 A.M.; (3) Rutten and Nelson participated by teleconference with NIRMA for the Boone County Safety Committee Assessment on May 8, 2020 and updated the group of the assessment findings; (4) Discussed possibly installing camera systems on the County Road Department buildings; and (5) No incidents reported by Boone County to NIRMA for the first quarter 2020. The Safety Committee meeting was adjourned by Ben Rutten, Chairman of the Boone County Safety Committee at 10:10 A.M.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings

The County Highway Superintendent presented a government state bid for a new 2020 R-Way belly dump gravel trailer to the Board for their review. The new trailer replaces the 2002 Trail Blazer belly dump gravel trailer that received damage during the March 2019 flood. Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign a purchase order quote for a new 2020 R-Way belly dump gravel trailer for approximately \$52,673.00 from RDO Truck Center, Norfolk, Nebraska (FOB: R-Way Trailers, Long Prairie, Minnesota) as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board, Rod Nelson, Maintenance, and Denny Johnson, Sheriff discussed the AC unit in the Law Enforcement building on May 11, 2020. The AC unit in the IT room of the basement of the Law Enforcement building is not keeping the room cool with the added equipment that was installed for the statewide radio system. Nelson presented quotes for the Board to review: Kelly's Heating & Air Conditioning, Albion, NE - \$10,500.00 for two units/includes electrician; and Eller Heating, Air Conditioning & Plumbing, Columbus, NE - \$11,326.00 for two units/no electrician included. Motion made by Rutten, second by Rasmussen to approve the quote from Kelly's Heating & Air Conditioning for approximately \$10,500.0 for two AC units installed in the basement of the Law Enforcement building as submitted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board; County Assessor, Clerk, Treasurer; and Rod Nelson, Maintenance, discussed some type of window/glass for the offices with open counter spaces before re-opening the courthouse on May 11, 2020. Nelson obtained a quote from Mike's Glass Services, Columbus, Nebraska and submitted the quote for the Board to review. The quote is for clear temp glass barriers for the three open counters, clear Plexiglas panels for two offices with glass windows that open on one side and moveable Plexiglas barrier for open counters installed for approximately \$1,982.00. Motion made by Temme, second by Rasmussen to approve and authorize Rod Nelson, Maintenance, to order the counter/window barriers for courthouse offices from Mike's



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Glass Services for approximately \$1,982.00 installed. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board and Denny Johnson, Sheriff, discussed the need to replace/upgrade a computer unit in the law enforcement dispatch center on May 11, 2020. Johnson presented a written quote from Applied Connective Technologies for the Board to review and informed the Board that he reached out to other businesses out of the county but did not receive any response. Motion made by Rutten, second by Temme to approve and authorize the Board Vice Chairman to sign the Applied Connective Technologies quote for approximately \$1,066.00 for a new Dell OptiPlex workstation to replace a computer unit in the law enforcement dispatch center as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board and Denny Johnson, Sheriff, discussed the purchase of electronic generated uniform citation equipment for law enforcement vehicles on May 11, 2020. Johnson informed the Board that all Law Enforcement will install and use the new citation equipment by the end of December 2020. Johnson received an estimate from Applied Connective Technologies of \$24,080.50 for equipment to be placed in the five Law Enforcement vehicles (computer/printer) for the Board to review. Johnson informed the Board that he reached out to other law enforcement departments that have already installed the new citation equipment in order to receive quotes from other businesses. Johnson informed the Board that the information he received from other law enforcement entities was that the uniform citation equipment may be considered a unique or noncompetitive items, therefore it was necessary to obtain more than one quote. Motion made by Rasmussen, second by Temme to approve and authorize the Board Vice Chairman to sign the quote from Applied Connective Technologies for approximately \$24,080.50 for the purchase of electronic generated uniform citation equipment and installation for five County law enforcement vehicles as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

In addition, Denny Johnson, Sheriff, and the Board discussed a quote for the cost of routers for the five law enforcement vehicles. The NAPSO pricing for five routers + antennas is \$4,520.00. A monthly service to Verizon would be \$39.99/month per jetpack and unlimited data. The routers/jetpacks is for the electronic generated uniform citation equipment to receive a stronger signal throughout the rural areas of the county. Motion made by Rasmussen, second by Temme to approve and authorize the County Sheriff to use the Verizon free jetpacks and monthly service of \$39.99/month per law enforcement vehicle for the new electronic generated uniform citation equipment. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Denny Johnson, Sheriff, discussed the purchase of a new in-car camera for the new law enforcement vehicle. Johnson informed the Board that the in-car cameras in the past are from Digital Ally. The Board recommended that Johnson obtain more than one quote for the Board to review at a future Board meeting.

Mary Ziemba, County Zoning Administrator, did not appear before the Board to discuss plans to update the Boone County Comprehensive Plan and Regulations.

The Board and Steve Pritchard, UNL Extension, discussed new window coverings for the new extension offices in the new fairgrounds building on May 11, 2020. Pritchard said that there are six window openings in the new extension offices. Pritchard said that the windows are not a standard size or all the same size. Pritchard submitted quotes for the windows: Creative Window Designs, Albion, NE - \$2,864.00 installed; and Menards - \$3,695.28 not installed. Motion made by Temme, second by Rutten to approve the quote for approximately \$2,864.00 from Creative Windows Designs for six cordless window coverings for the new fairgrounds building



# Boone County Board Minutes



and the Boone County Agricultural Society, Inc. to reimburse the County for the window covering in the concession stand area. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Steve Pritchard, UNL Extension, presented a lease quote from Eakes Office Solutions for a new copy machine for the Board to review. The present leased copy machine has expired and Pritchard informed the Board that the present copy machine will be traded-in for a new leased copy machine. Pritchard informed the Board that the UNL Extension office has leased a copy machine from Eakes Office Solutions for several years. Motion made by Rasmussen, second by Rutten to approve and authorize Steve Pritchard, UNL Extension, to lease a new Sharp MX-4071 color copy machine from Eakes Office Solutions for forty-eight months at \$289.00 per month, plus a monthly maintenance agreement for approximately \$121.84/month. Roll call vote: Yeas: Rasmussen Rutten and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Health Center – May 21, 2020; Region IV, Inc. / NorthStar Services – May 21, 2020; and Northeast Nebraska Area Agency on Aging – May 21, 2020.
- Rod Nelson, Maintenance, updated the Board in regard to the generator for the County Communications Tower and the generator for the Law Enforcement/Sheriff building.

Vice Chairman Temme declared the meeting adjourned at 11:55 A.M., with the next Board meeting scheduled for Wednesday, May 27, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS MAY 27, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, May 27, 2020 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. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, shall apply to all public governing body meetings that occur March 17, 2020 through May 31, 2020. 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 April 22, 2020 through May 21, 2020. The Board noted/questioned several hours of overtime for the pay period. Motion made by Rasmussen, second by Rutten to approve the County Payroll Claims filed for payment from the various funds: General \$96,330.49, BCBS \$49,577.04, Ameritas Ret \$6,662.75, EFTPS \$7,181.66, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$109.90; Road \$64,120.44, BCBS \$31,578.68, Ameritas Ret \$4,328.13, EFTPS \$4,841.07; Ambulance \$2,375.46, Ameritas Ret \$66.86, EFTPS \$181.72; and Public Defender Contract \$3,358.21. 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 May 18, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. 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) in October of 2019. The account received said bond proceeds as revenue for road/bridge infrastructure repair due to the adverse weather conditions of 2019. The first bond interest payment is due June 15, 2020. Motion made by Rutten, second by Temme to approve and authorize Laurie Krohn, County Treasurer, to pay the first bond interest amount of \$48,896.25 for the Limited Tax County Road Bonds, Series 2019 prior to June 15, 2020. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., and Stacey Ziemba, Boone County Highway Superintendent, submitted documents for the Board to review in regard to Bridge Project C-6(393). The Bridge Project C-6(393), Bridge 6(11215) is located on 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue. The construction plans are to remove an existing bridge and install a concrete box culvert. The documents the Board reviewed were Temporary Easement(s) during construction, Permanent Easement(s) for the permanent relocation of utilities during construction and Easement Deed conveying the real estate set forth in the permanent easement.

Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Temporary Easements for payment of \$345.60 to Ralph J. and Virginia M. Pieke for approximately 0.054 acres and a payment of \$601.60 to Scotty W. Wallin for approximately 0.094 acres for use of said real estate during construction of the Bridge Project C-6(393). Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.





# Boone County Board Minutes



Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Permanent Easement/Easement Deed for payment of \$281.60 to Ralph J. and Virginia M. Pieke for approximately 0.044 acres being a fraction of the Northwest Quarter of Section 36, Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska for the construction of Bridge Project C-6(393). Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Permanent Easement/Easement Deed for payment of \$332.80 to Scotty W. Wallin for approximately 0.052 acres being a fraction of the Southwest Quarter of Section 25, Township 22 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska for the construction of Bridge Project C-6(393). Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., requested the Board to authorize the County Clerk to advertise for bids for the Bridge Project C-6(393), when McDonald finalizes the bid specifications. Motion made by Rutten, second by Temme to authorize the Boone County Clerk to advertise for bids for the Bridge Project C-6(393), Bridge 6(11215) located on 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue, with/when the Invitation to Bid as/is prepared and submitted by JEO Consulting Group, Inc. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Jerad Reimers, representative for Congressman Adrian Smith's office, updated the Board by telephone conference of Congressman Smith's committee activity. Congressman Smith is a member of the Ways & Means Committee and a sub-committee member of the Health & Select Revenue subcommittee. Reimers updated the Board in regard to Congressman Smith's policy work with the USMCA (United States-Mexico-Canada) trade agreement, trade negotiations with Japan, his work to improve telehealth access in rural communities, the need to fix regulatory barriers in order to continue broadband installation in rural areas and the role of the district office in federal casework process. The Board thanked Reimers for the teleconference visit.

Hilary Maricle, UNL Engagement Zone 6 Coordinator, presented a Lease Agreement drafted by UNL Real Estate office to the Board for their review. A Lease Agreement document would be between County of Boone and the UNL Board of Regents. An agreement would be for the UNL Engagement Zone Coordinator to rent/occupy office space in the new fairgrounds building, to be known as Boone County Agricultural Education Center. The Board made some suggestions that they would like changed to the Lease Agreement drafted document. Maricle plans to forward the suggested changes to the UNL Real Estate office for further review.

The Nebraska Revised Statute §48-443, states the every public and private employer subject to the Nebraska Worker's Compensation Act shall establish a safety committee. Such committee shall adopt and maintain an effective written injury prevention program. NIRMA has prepared Model Safety Manuals over the years to assist member NIRMA Counties in complying with the statute and develop/adopt a County Safety Manual. A County Safety Manual has been discussed several times over the years during the Safety Committee meetings. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2020-15, adoption of a County Safety Manual, known as Exhibit Q in the Boone County Employee Handbook. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings.



# Boone County Board Minutes



Denny Johnson, County Sheriff, presented a quote from Digital-Ally for an in-car camera for the new Law Enforcement vehicle. The DVM-800 complete kit comes with a five year advance exchange warranty. Motion made by Rasmussen, second by Rutten to approve and authorize the County Sheriff to purchase an in-car camera for the new Law Enforcement vehicle for approximatively \$4,055.00 from Digital-Ally as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board has been discussing the need for the County to have a building/location to use for storage of surplus items and law enforcement impounded items. In addition, the only access key to said building/location would be in the possession of the Boone County Sheriff. The Board suggested that Denny Johnson, Sheriff, and Rod Nelson, Courthouse Maintenance, look at the round metal quonset building located at the Boone County Fairgrounds. After viewing the suggested building space Johnson and Nelson will discuss if the building space meets the storage needs and the type of barrier that may be locked and used to close off a portion of the building for County storage. A building/location to use for storage will be further discussed on the June 8, 2020 Board meeting.

Motion by Rasmussen, second by Rutten to table a decision in regard to the present Lease Agreements for two storage units with Kayton International to the June 8, 2020 Board meeting. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board and County Clerk discussed obtaining copy paper quotes for the fiscal year 2020-2021. The County has for several years purchased copy paper for the courthouse offices through quotes instead of each office ordering a box of copy paper when needed. The consensus of the Board to continue obtaining copy paper quotes for fiscal year 2020-2021 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. Motion made by Rasmussen, second by Rutten to approve and authorize the County Clerk to obtain copy paper quotes for fifty cases of no less than 96 Bright and no less than 20 lb. for the Courthouse/Law Enforcement offices for the fiscal year 2020-2021. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Governor Pete Ricketts, Executive Order Number 20-03, Coronavirus - Public Meetings Requirement Limited Waiver was scheduled to end on May 31, 2020. Governor Pete Ricketts, issued Executive Order No. 20-24, continued limited waiver of certain requirements of the Nebraska Open Meetings Act to remain in effect through June 30, 2020. The Executive Order allows governing bodies (Board of Commissioners) to meet by videoconference or by telephone conference. Motion made by Temme, second by Rasmussen to approve the extension of Governor Pete Ricketts, Executive Order No. 20-24, Coronavirus - Continued Limited Waiver of Public Meetings Requirements through June 30, 2020. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – June 1, 2020.
- Rod Nelson, Maintenance, updated the Board regarding the installation of the counter/window barriers for the courthouse offices and an AC unit in the Law Enforcement building.
- Rod Nelson, Maintenance, reminded the Board of the scheduled Fire Drill for Friday, May 29, 2020.

Chairman Rasmussen declared the meeting adjourned at 11:50 A.M., with the next Board meeting scheduled for Monday, June 8, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 8, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:02 A.M. on Monday, June 8, 2020, 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. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, which was scheduled to end on May 31, 2020. Governor Pete Ricketts, issued Executive Order No. 20-24, continued limited waiver of certain requirements of the Nebraska Open Meetings Act to remain in effect through June 30, 2020. The Executive Order allows governing bodies (Board of Commissioners) to meet by videoconference or by telephone conference. 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 Temme, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$207,788.69; Road/Weed - \$173,372.08; 911 Emergency Management (2910) - \$2,302.15; 911 Wireless Service (2913) - \$6,370.98; Ambulance - \$3,201.67. 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 Temme, second by Rasmussen to accept and approve the resignation of Cindy Fulton effective June 1, 2020 as submitted. 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's office employee at their June 8, 2020 Board meeting. Motion made by Rutten, second by Rasmussen to approve a Payroll Claim filed for payment on the General Fund for a net amount of \$374.94 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Proceedings of May 27, 2020 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, 2020:

- Clerk - \$14,885.25 (State of Nebraska \$8,748.50)(County of Boone \$6,136.75)
- Clerk of the District Court - \$260.52 (State of Nebraska \$127.00)(County of Boone \$133.52)
- Sheriff - \$702.94
- Planning & Zoning - \$663.46
- Treasurer - Miscellaneous Receipt Nos. 17867-17935 - \$314,380.46
- Treasurer - Total Collections - \$1,560,741.12

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



# Boone County Board Minutes



Nebraska State Statute 80-101 refers to County Veterans Service Committee appointments and terms. The committee members are five-year terms. The term of Raymond Thieman of Petersburg expires in June 2020. Motion made by Temme, second by Rutten to re-appoint Raymond Thieman of Petersburg to a five-year term effective July 1, 2020 through June 30, 2025 to the Boone County Veterans Service Board. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Carrie Rodriguez, Chief Probation Officer for District Five Probation, submitted the 2019 District Five Probation report and 2020-2021 fiscal year budget request for the Board to review. Due to the COVID-19 concerns Rodriguez did not visit the County Board in person. The eleven counties comprising the Nebraska Supreme Court District Five Probation consists of: Boone, Butler, Colfax, Hamilton, Merrick, Nance, Platte, Polk, Saunders, Seward and York counties. The District Five Probation's fifty-five staff members served 2762 clients in 2019. The District Five Probation served forty-nine adults and fourteen juveniles for Boone County in 2019. Due to the clients served (2018 - 63, 2019 - 63) remaining the same in the county, the Boone County share of the 2020-2021 fiscal year budget will decrease by approximately \$48.96 from \$8,078.40 to \$8,029.44. The District 5 Probation budget has been approved by the Platte County Commissioners as the principal county for the district. Motion made by Rutten, second by Rasmussen, to accept and approve the District Five Probation 2019 activity report and the 2020-2021 fiscal year budget request as submitted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board received and reviewed three quotes for the copy paper for the county courthouse fiscal year 2020-2021. The quote request was for fifty cases of no less than 96 bright and no less than 20 lb. paper. The fifty cases to be delivered at one time after July 1, 2020 with payment issued on July 13, 2020. A case of copy paper is 10 reams/5,000 sheets. The quotes received were: Albion News - \$30.50 per case; One Office Solution - \$36.00 per case; and Eakes Office Solutions - \$38.99 per case. Motion made by Temme, second by Rasmussen to accept the copy paper quote from Albion News and approve ordering the fifty cases as one order at \$30.50 per case for the fiscal year 2020-2021. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The County of Boone, Nebraska; City of Albion, Nebraska; Boone County Agricultural Society, Inc.; and Boone County Historical Society, Inc. had entered into Interlocal Agreements beginning in May of 1998, relating to the improvements on leased land to provide an area for the parking of recreational vehicles known as the City of Albion Campground, Albion, Nebraska. The Fairgrounds 1<sup>st</sup> Subdivision was approved in 2017 to correct the discrepancies with the metes and bounds legal descriptions and to clarify ownership of the real estate. An Annexation Plat for Fairgrounds 1<sup>st</sup> Subdivision, City of Albion was filed in 2018. The County of Boone transferred ownership of the real estate to the City of Albion known as the City of Albion Campground in 2019. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2020-16, terminating and taking precedence over County Resolution No. 2011-04 and all prior resolutions, leases and agreements, written or verbal, between said parties that pertained to the City of Albion Campground site. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The City of St. Edward's legal counsel submitted an Interlocal Agreement for the Board to review in regard to zoning services between the City of St. Edward and the County of Boone. The Nebraska Interlocal Cooperation Act permits political subdivisions to enter into agreements with one another for joint or cooperative action of the respective political entities. In March of 2020, the Board gave the City of St. Edward a notice terminating the Interlocal Agreement/County Resolution No. 2019-07/City Resolution No. 2019-04-01R effective June 30, 2020 as requested by the County Zoning Administrator.





# Boone County Board Minutes



The difference between the prior and newly submitted Interlocal Agreements is #3, the City of St. Edward will pay the sum of \$125.00 (previously \$100.00) per month to the County for a contribution towards the County employee's salary and office expenses. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Interlocal Agreement/County Resolution No. 2020-17 between the County of Boone, Nebraska and the City of St. Edward, Nebraska for zoning services. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Ryan D. Stearns, Architect with Joseph R. Hewgley & Assoc., Inc. submitted a Certificate of Substantial Completion AIA Document G704 – 017 for the Board to review. Substantial Completion is the stage in the progress of the work when the work or designated portion is sufficiently complete in accordance with the Contract Documents so that the owner can occupy or utilize the work for its intended use. A list of items to be completed or corrected is attached to the AIA document. The architect and construction company has signed the AIA document and upon the Board of Commissioners signing the AIA document, that would allow keys/key entry codes for the UNL Extension office personnel to enter the building. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Certificate of Substantial Completion AIA Document G704-2017 as submitted. Roll call vote: Yeas: Temme, Rasmussen, and Rutten. Nays: None. Motion carried.

Steve Pritchard, UNL Extension Educator, updated the Board of office activity and UNL Educators/staff plans to re-enter into their respective offices. Pritchard said that they will continue to follow recommended health practices and continue to have restricted public access. Pritchard said that 4-H Clubs may begin in-person meetings and programs on June 15, 2020. Pritchard said that they have started to move office items to the new fairgrounds building. The red rock road material to establish a solid base for an access road to and a parking area for the extension office use at the new fairgrounds building has not been delivered to date.

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

- Chairman Rasmussen asked all present to join in the Pledge of Allegiance.
- The Board received information from NACO that Governor Ricketts press conference message included "In order for County Governments to receive funds, the County Courthouse and County Offices must be open for business to the public on a non-appointment basis by June 15, 2020" to receive reimbursement for COVID-19 related expenses.
- The Board; County Assessor; Clerk; Sheriff; Deputy Treasurer; Rod Nelson, Maintenance; Stacey Ziemba, Road Department; Mary Ziemba, Zoning; Jacqueline Wells, Veterans Service; Steve Pritchard, UNL Extension; and Pam Jochum, Attorney office employee; discussed re-opening of the county courthouse/facilities. Motion made by Temme, second by Rasmussen to re-open the Boone County Courthouse/facilities on Friday, June 12, 2020. Roll call vote: Yeas Temme, Rasmussen and Rutten. Nays: None. Motion carried.
- The installation of the counter/window barriers for the courthouse offices are installed.
- The lobby area is to be marked on the floor for visitors to observe the six foot distance.
- Courthouse visitors are encouraged to wear masks and observe all rules on signage when entering the courthouse. Hand sanitizer is available for public use.
- The public is asked to continue conducting as much business as possible through the mail, email, fax, telephone or the drop-box located on the west side of the courthouse.
- Courthouse visitors are being asked to enter through the north door for business on the east half and the west doors for business on the west half of the building.



# 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 Notice to Landowners of their duty to mow weeds along the roadsides will be published in the newspapers this week.
- Updated the board regarding FEMA applications submitted for reimbursement from the 2019 flood damages.
- No quotes received to date for repair of the asphalt/black top roads.
- No estimates received to date of options to consider regarding the Pilot Knob Bridge.

## Public Comments:

- Meetings: BCDA, Inc. – June 9, 2020.
- Chuck Rolf, Boone County Agricultural Society, Inc., updated the Board regarding the roof issues on the new fairgrounds building and the Boone County Health Center using the fairgrounds for their dirt/clay storage during their new building construction.
- Nebraska legislature plans to reconvene July 20, 2020 through August 13, 2020 to complete the 2020 legislative session.
- Commissioner Rutten provided written information received from Region IV, Inc./NorthStar Services.
- Commissioner Rutten updated the Board on the Boone County Trails System activity.
- Commissioner Temme updated the Board on the Boone County Fair events that were discussed at the Boone County Agricultural Society, Inc. special meeting held on June 1, 2020.
- The Board received updated information from Northeast Nebraska Economic Development District.

Chairman Rasmussen declared the meeting adjourned at 12:55 P.M., with the next Board meeting scheduled for Monday, June 15, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 15, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, June 15, 2020 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. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, which was scheduled to end on May 31, 2020. Governor Pete Ricketts, issued Executive Order No. 20-24, continued limited waiver of certain requirements of the Nebraska Open Meetings Act to remain in effect through June 30, 2020. The Executive Order allows governing bodies (Board of Commissioners) to meet by videoconference or by telephone conference. 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 June 8, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the Boone County Board of Equalization Proceedings of June 8, 2020 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. 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 Rutten, second by Temme to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

On October 21, 2019 the Board approved and authorized the Boone County Treasurer to set up a separate bank account for the Limited Tax County Road Bonds, Series 2019 (Highway Allocation Fund Pledge Bonds) and that the interest from the bond account be identified/transferred to the General Fund. The said bond proceeds are for road/bridge infrastructure repair due to the adverse weather conditions of 2019. The Boone County Treasurer is requesting authorization from the Boone County Board of Commissioners to close said separate bank account due to the bond funds have been disbursed to the Road Fund (0200) and the interest to the General Fund (0100). Motion made by Temme, second by Rutten to approve and authorize the Boone County Treasurer to close the separate bank account that was previously set up to receive the Limited Tax County Road Bonds, Series 2019 (Highway Allocation Fund Pledge Bonds). Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board and Stacey Ziemba, Boone County Highway Superintendent, met with Dave and Lisa Skillstad to discuss options regarding an access road to real estate located south of Fairview Street and east of 2<sup>nd</sup> Street. Skillstad's plan to construct a residential home on the property located south of Fairview Street that is undeveloped and currently not annexed into city limits, but is adjacent to property that is annexed into city limits. Skillstad's are inquiring which entity, the City of Albion or the County of Boone, they are to obtain an access road to said property from. Skillstad's would like to enter said property from the south off of an access road that runs on the south side of the property, known as Fuller Street to area residents.



# Boone County Board Minutes



The City of Albion informed Skillstad's that Fuller Street is not a dedicated city street beyond the corner of 2<sup>nd</sup> and Fuller Street to the east. Lorrie Nicklasson, Deputy County Clerk, prepared maps with the real estate information in accordance with the Register of Deed records and reviewed the information with Skillstad's and Ziemba. The review of the real estate records indicate that land dedicated for roads vary in width. Ziemba noted that Nebraska Department of Transportation (NDOT) has standards for a remote residential road classification that could be used for said access road. The standards for a remote residential road classification shall allow for one-lane traffic where sight distance is adequate to warn motorists of oncoming traffic and appropriate signage to adequately warn members of the public that they are traveling on a one-lane road. Ziemba plans to contact the State of Nebraska, Department of Transportation and JEO Consulting Group, Inc. (Engineer) to clarify if the remote residential road classification may be used to allow an access road to said property.

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 updated the Board in regard to Public Defender assigned cases: 2018 – 47 cases with 44 closed, 2 conflicts and 1 open; 2019 – 38 cases with 32 closed, 1 conflict and 5 open; and 2020 to date – 19 cases with 6 closed, 1 conflict and 12 open. 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/has 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 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 Temme, second by Rasmussen to approve Resolution No. 2020-18, authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$64,588.42 from the 911 Wireless Service Fund (2913) to the payroll General Fund (0100) as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Hilary Maricle, UNL Engagement Zone 6 Coordinator, presented a Lease Agreement drafted by UNL Real Estate office to the Board for their review on May 27, 2020. A Lease Agreement document would be between County of Boone and the UNL Board of Regents. An agreement would be for the UNL Engagement Zone 6 Coordinator to rent/occupy office space in the new fairgrounds building, to be known as Boone County Agricultural Education Center. The Board made some suggestions on May 27, 2020 that they would like changed to the Lease Agreement drafted document. The majority of the suggested changes were made to the agreement. There were three suggested changes that were not reflected in the new revised document. Maricle informed the Board that she has not received any correspondence from UNL in regard to the three changes that were not reflected in the revised document and has not received any correspondence from the County Attorney's review of the agreement. The Lease Agreement will be further discussed at a future Board meeting.





# Boone County Board Minutes



In addition, the Board would like to discuss revisions to the 1997 Interlocal Agreement for the provisions of Cooperative Extension Services with UNL, due to the UNL Extension office moving from the courthouse to the new fairgrounds building this month of June. The 1997 agreement has not been updated or revised in the past twenty years in regard to the UNL Extension services. The Board would like to address both the 1997 Interlocal Agreement for revisions and the new Lease Agreement with UNL Board of Regents at the same time.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – June 15, 2020; Northeast Nebraska Area Agency on Aging – June 18, 2020; Boone County Health Center – June 23, 2020.
- Rod Nelson, Maintenance, updated the Board in regard to information for automatic door openers for the courthouse north doors and pest bird control for the courthouse clock tower.
- Lisa Langan, County Court, informed the Board of the deterioration of the courtroom TV, microphone and sound system. Langan will obtain quotes for replacement.
- Steve Pritchard, UNL Extension, updated the Board on the Extension office move to the new building at the fairgrounds.

Chairman Rasmussen declared the meeting adjourned at 11:50 A.M., with the next Board meeting scheduled for Wednesday, June 24, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JUNE 24, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, June 24, 2020 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. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, which was scheduled to end on May 31, 2020. Governor Pete Ricketts, issued Executive Order No. 20-24, continued limited waiver of certain requirements of the Nebraska Open Meetings Act to remain in effect through June 30, 2020. The Executive Order allows governing bodies (Board of Commissioners) to meet by videoconference or by telephone conference. 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, 2020 through June 21, 2020. The Board noted/questioned several hours of overtime for the pay period. The Board noted/questioned the differential jailer/dispatcher night shift pay. Motion made by Temme, second by Rasmussen to remove the \$.50 night shift pay for Payroll ID #75 until training is complete and pay the \$.50 night shift pay to Payroll ID #'s 76 and 78 for this pay period and Sub ID's during the training period for ID #75 and approve the County Payroll Claims filed for payment from the various funds with the changes: General \$99,988.20, BCBS \$49,577.04, Ameritas Ret \$6,924.46, EFTPS \$7,456.33, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$109.90; Road \$61,569.42, BCBS \$31,578.68, Ameritas Ret \$4,155.94, EFTPS \$4,640.89; Ambulance \$4,804.92, Ameritas Ret \$103.60, EFTPS \$367.57; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of June 15, 2020 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the County Board of Equalization Proceedings of June 15, 2020 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Boone County Ambulance Service is registered with the Drug Enforcement Administration. Every three years a renewal registration application needs to be completed and a non-refundable fee needs to be sent to the Drug Enforcement Administration. The requirements are under the Controlled Substances Act. The current registration expires July 31, 2020. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Renewal Application for Registration for \$731.00 registration fee for three years payable to the Drug Enforcement Administration for the Boone County Ambulance with a new expiration of July 31, 2023 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.



# Boone County Board Minutes



On May 29, 2019 the Governor approved LB525, regarding the transfer of real estate ownership between governmental entities/political subdivisions that became effective on September 1, 2019. John Morgan, County Attorney, suggested that the Board may transfer said real estate to the Boone County Historical Society, Inc. pursuant to Nebraska State Statute §23-107.01(2). The county board shall print and publish in a legal county newspaper a notice stating the legal description and address of the real estate at least thirty days prior to the transfer. Motion made by Temme, second by Rutten to publish in the Albion News, a weekly newspaper on Wednesday, July 1, 2020, a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the Boone County Historical Society, Inc.; All of Lot One (1), Fairgrounds 1st 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 6th P.M., Boone County, Nebraska, known as the Boone County Museum, Albion, Nebraska. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Rutten, second by Temme to accept and approve the resignation of Mercedes Hemmingsen effective August 6, 2020 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, updated the Board in regard to Emergency Management activities. Ziemba informed the Board that she responded to two liquid fertilizer truck spill accidents the past week. Ziemba said that she is working on a grant for a new siren for a fire department in Nance County and has updated the Merrick and Nance Counties Local Emergency Operations Plan (LEOP).

On May 18, 2020 Ziemba presented a revised Interlocal Agreement for the Board to review. The Board had asked Ziemba to discuss the budget funding option with Nance and Merrick County Boards. The present Interlocal Agreement for Emergency Management Services by and between the Counties of Boone, Nance and Merrick is effective through June 30, 2024. Ziemba informed the Board that no changes were made to the revised Interlocal Agreement that she presented on May 18, 2020. Revisions to the present Interlocal Agreement are: duration July 1, 2020 through June 30, 2024; upon approval of the Supervisory Committee, funds remaining in the Emergency Management budget at the end of each budget year may be put in a sinking fund for Emergency Services and/or vehicle; transportation use and responsibility of a vehicle; and Region 44 Emergency Management Coordinator shall provide information reporting on this program to the Auditor of Public Accounts if requested. Motion made by Rasmussen, second by Rutten to approve and authorize the Board Chairman to sign the revised Interlocal Agreement for Emergency Management Services by and between the Counties of Boone, Nance and Merrick for the duration of July 1, 2020 through June 30, 2024 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Ross Davidson was unable to attend the Board meeting.

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:

- NRCS documents to be completed for FEMA project, Cedar Rapids Northwest Bridge 6(00715) on 150<sup>th</sup> Avenue south of State Highway 52.
- A hydraulic study will need to be completed first before repairing Bridge #00405, located on 110<sup>th</sup> Street, one-half mile west of 110<sup>th</sup> Avenue.
- Discussed several road/drainage issues: drainage on 300<sup>th</sup> Avenue south of State Highway 56; 180<sup>th</sup> Avenue south of State Highway 56; and a bridge located in SE1/4 of 17-20-6.



# 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 St. Edward Community Club requested assistance to advertise the Beaver Valley Days event scheduled for July 30, 31 and August 1, 2020. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the St. Edward Community Club Beaver Valley Days event from the Visitor's Promotion Fund as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Rod Nelson, Courthouse Maintenance, presented a quote from Mike's Glass Services for the Board to review for wave motion activators for the courthouse north door entrance. The quote for the courthouse north door entrance is for two Stanley Magic Access Door Openers and four MS08 Wave Motion Activators to be installed on the current doors. No electrical work is included in the quote. The suggested change to have the doors automatically open is due to the Coronavirus. Motion made by Rutten, second by Rasmussen to approve the quote for approximately \$5,130.00 from Mike's Glass Services of Columbus, Nebraska for the access door openers and wave motion activators installed and no electrical work is included in the quote. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Rod Nelson, Courthouse Maintenance, presented a quote from Rentokil/Presto-X for the Board to review for pest bird control for the courthouse north entrance/clock tower area. The quote for the courthouse north entrance/clock tower area is for the installation of a barrier of entry using a 1½" square mesh, UV stabilized, pre-stretched, polypropylene netting and installation of Bird Spikes attached to the top ledge of the clock tower. Motion made by Temme, second by Rutten to approve the quote of approximately \$3,000.00 from Rentokil/Presto-X for Bird Netting and Bird Spikes installation for pest bird control for the courthouse north entrance/clock tower area. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Denny Johnson, County Sheriff, presented jailer/dispatcher wage information for the Board to review. Johnson said that the jailer/dispatch position is just not receiving a pool of applicants to select from as it is hard to find people to work nights, weekends and holidays. The Board plans to review Johnson's information and further discuss the jailer/dispatcher wage proposal at a future Board meeting. In addition, Johnson updated the Board of law enforcement activity.

## Public Comments:

- Meetings: East Central District Health – June 25, 2020.
- Rod Nelson, Maintenance, updated the Board in regard to possibly changing the generator from propane to natural gas for the County Communications Tower located at the fairgrounds; a tree that may need trimming or removed from the courthouse property; and that the clock in the courthouse clock tower is not working properly.
- Paper Tiger Shredding plans to be at the Boone County Courthouse on Friday, July 10, 2020 to shred documents for the various County offices.
- The State of Nebraska Auditor's office plans to audit County of Boone records beginning August 12, 2020.
- The month of June is National Safety Month and the Board acknowledged receiving a written message of appreciation from NIRMA for everything as everyone copes with the COVID-19.

Chairman Rasmussen declared the meeting adjourned at 1:30 P.M., with the next Board meeting scheduled for Monday, June 29, 2020.

Kathy Thorberg,





# Boone County Board Minutes



Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JUNE 29, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:03 A.M. on Monday, June 29, 2020 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. The State of Nebraska, Office of the Governor, issued Executive Order Number 20-03 Coronavirus Public Meetings Requirement Limited Waiver, which was scheduled to end on May 31, 2020. Governor Pete Ricketts, issued Executive Order No. 20-24, continued limited waiver of certain requirements of the Nebraska Open Meetings Act to remain in effect through June 30, 2020. The Executive Order allows governing bodies (Board of Commissioners) to meet by videoconference or by telephone conference. 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 a letter signed by the County of Boone, Nebraska and Boone County Agricultural Society, Inc. to the Nebraska Community Foundation in appreciation of the anonymous grant and agree to provide ongoing maintenance for the new fairgrounds building project known as the Boone County Agricultural Education Center. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Boone County Ambulance Service submitted a June 2017 uncollectible ambulance account that the Board reviewed on April 15, 2019 and turned over to the County Attorney for further collection. Three years has lapsed since the date of the Ambulance Service and no payments were received from the patient or collected by the County Attorney on said County Ambulance Service account. Motion made by Temme, second by Rasmussen to write-off the June 2017 County Ambulance Service account in the amount of \$1,015.00. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of June 24, 2020 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board of Equalization Proceedings of June 24, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

In November of 2016 the County of Boone purchased a fraction of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as the Kohtz property south of and adjacent to the Boone County Fairgrounds property. In December 1967 a permanent easement was assigned to the City of Albion to maintain and construct an earthen dam with spillways on said property that is currently owned by the County. The "Kohtz-City of Albion Detention Dam" was approved by the U.S. Department of Agriculture Soil Conservation Service and filed with the State of Nebraska, Department of Water Resources in December 1967. The City of Albion has sold the former swimming pool property to the Boone County Health Center for their facility expansion project. The Board's decision to transfer the approximate 10.93 acres of property known as the "Kohtz-City of Albion Dam" to the City of Albion, could possibly help the City of Albion to fulfill their requirement of replacing the former swimming pool property (a grant from the Game & Parks Department for purpose of outdoor recreation) with property of equal or greater value for outdoor recreation.



# Boone County Board Minutes



On April 20, 2020 the Board approved publishing the Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the City of Albion, Nebraska in the Albion News, weekly newspaper on April 22, 2020. The county board shall print and publish in a legal county newspaper a notice stating the legal description/address of the real estate at least thirty days prior to the transfer. 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 upon the acceptance by the City of Albion, transferring a tract of land comprising a part of the Northeast Quarter (NE1/4) of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska of approximately 10.93 acres commonly known as the Kohtz-City of Albion Dam. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Mitchell J. Patzel, requested permission to trench an 8" water line for irrigation purposes across a county road commonly known as 110<sup>th</sup> Avenue running North and South between Sections 29 and 30, all in Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The water line commences from an existing well located in the SE1/4 of Section 30; thence trenching East across 110<sup>th</sup> Avenue to a new irrigation system to be located in the SW1/4 of Section 29, all in Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2020-19, granting permission to Mitchell J. Patzel to trench an 8" water line across a county road known as 110<sup>th</sup> Avenue to the SW1/4 of Section 29, Township 20 North, Range 8 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, for a new irrigation system. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Viaero Fiber Networks, LLC, requested permission to plow/trench/directional bore fiber to a Viaero Wireless Tower in a County road right-of-way on the West side of 250<sup>th</sup> Avenue running North and South between Sections 27 and 28, all in Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The fiber commences from the City of Albion city limits of 6<sup>th</sup> Street and 250<sup>th</sup> Avenue; thence South in the County road right-of-way on the West side of 250<sup>th</sup> Avenue for approximately one mile; thence directional bore under 250<sup>th</sup> Avenue East to an existing Viaero Wireless Tower located in the SW/4 of Section 27, Township 20 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. 2020-20, granting permission to Viaero Fiber Networks, LLC to plow/trench/directional bore fiber in a County road right-of-way on the West side of 250<sup>th</sup> Avenue and directional bore under 250<sup>th</sup> Avenue East to an existing Viaero Wireless Tower located in the SW/4 of Section 27, 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.

The Board reviewed easement documents and construction plans submitted by the County Highway Superintendent from Brian McDonald, Engineer with JEO Consulting Group, Inc., for Bridge Project C-6(393), Petersburg East on May 27, 2020. Right-of-way has been purchased to repair bridge. The Bridge Project C-6(393), Bridge 6(11215) located on 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue was advertised for bid letting to open sealed bids on Monday, June 29, 2020. The sealed bids received for said bridge project: A & R Construction Co. of Plainview, NE - \$208,352.30 and Van Kirk Bros. Contracting of Sutton, NE - \$271,057.05. Bruce Meisner, A & R Construction Co., was present to represent the company. Steve Ragoss, Van Kirk Bros. Contracting, was present to represent the company. The Board, Highway Superintendent and McDonald reviewed and discussed the bids. McDonald said that the bridge portion of the Road/Bridge Buyback Program, Budget Fund (0650) may be used for said project. Motion made by Rutten, second by Temme to accept and recommend approval of the A & R Construction Co. of Plainview, NE bid for the Bridge Project C-6(393), Bridge 6(11215), Petersburg East for \$208,352.30, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer. Roll call vote: Yes: Rutten, Temme and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



The Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc., discussed Bridge Project C-6(398), Raeville East on March 9, 2020. No right-of-way will need to be obtained to repair bridge. The Bridge Project C-6(398), Bridge 6(23340) located on 260<sup>th</sup> Avenue, ¼ mile North of 120<sup>th</sup> Street was advertised for bid letting to open sealed bids on Monday, June 29, 2020. The sealed bids received for said bridge project: A & R Construction Co. of Plainview, NE - \$139,832.74 and Van Kirk Bros. Contracting of Sutton, NE - \$179,196.70. Bruce Meisner, A & R Construction Co., was present to represent the company. Steve Ragoss, Van Kirk Bros. Contracting, was present to represent the company. The Board, Highway Superintendent and McDonald reviewed and discussed the bids. McDonald said that the bridge portion of the Road/Bridge Buyback Program, Budget Fund (0650) may be used for said project. Motion made by Rutten, second by Temme to accept and recommend approval of the A & R Construction Co. of Plainview, NE bid for the Bridge Project C-6(398), Raeville East for \$139,832.74, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer. Roll call vote: Yes: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Brian McDonald, JEO Consulting Group, Inc., submitted a Certificate of Substantial Completion for the St. Edward Southwest Bridge (FEMA) Project C000605015P for the Board to review. The bid letting to open sealed bids for said project was held on March 9, 2020. The St. Edward Southwest Bridge connects with the City of St. Edward sewage lagoon. McDonald suggested that the County transfer ownership of this bridge to the City of St. Edward because it does not connect to a county road. The work to the Bridge Project C000605015P has been inspected by authorized representatives of Owner, Contractor and Engineer and found to be substantially complete. The payment for said project will be issued from the Road Fund in regard to the 2019 flood damage with the funds from the Highway Allocation Bond Repay 2019 Series. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Certificate of Substantial Completion of the St. Edward Southwest Bridge (FEMA) Project C000605015P and issue payment of \$98,494.60 to Theisen Construction, Inc. of Norfolk, NE as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc., discussed several road/bridge issues/projects. Some of the following projects discussed with no final decisions made at this time:

- A bridge known as Pilot Knob Bridge (FEMA project) near Primrose. A portion of this bridge was destroyed in the March 2019 flood. McDonald's estimates for repair is \$300,000.00 or for complete removal of bridge/not replacing the bridge is \$200,000.00.
- A bridge south of St. Edward on 350<sup>th</sup> Street west of State Highway 39.
- A hydraulic study will need to be completed for Bridge #00405, located on 110<sup>th</sup> Street, ½ mile west of 110<sup>th</sup> Avenue.
- Drainage issue on 300<sup>th</sup> Avenue south of State Highway 56, landowner responsibility to put a culvert in driveway.
- A bridge located in SE1/4 of 17-20-6, is not a county bridge, McDonald will meet with landowner.
- Re-grade a portion of 140<sup>th</sup> Avenue, approximate cost of \$90,000.00 to \$150,000.00.
- Approximately 3.75 miles of asphalt roads: golf course, airport and fairgrounds estimate is 1.5 million for 4" asphalt or 1.8 million for 4" concrete. Concrete life cycle is usually 25 years while asphalt is 10-15 years. Estimate does not include any bridge repair if needed.
- Approximately 4.5 miles of 255<sup>th</sup> Avenue asphalt road north of Albion estimate is 1.6 million for 4" asphalt and due to heavy truck traffic would probably not last 10 years.
- The asphalt paving (black top roads), McDonald informed the Board that Mid-State Construction has completed the core testing.





# Boone County Board Minutes



The County Highway Superintendent and Brian McDonald, Engineer with JEO Consulting Group, Inc., submitted documents from the Natural Resources Conservation Service of the U.S. Department of Agriculture for the Cedar Rapids Northwest Bridge 6(00715) Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52. The documents address rock rip rap to stabilize and protect eroding banks, etc. for the 2019 flood damaged FEMA bridge project. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Natural Resources Conservation Service documents for the Cedar Rapids Northwest Bridge 6(600715) Project (FEMA) as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board held a Public Hearing on January 27, 2020 for the purpose of hearing public comments and to discuss the issue of the elected office of a County Surveyor. The Nebraska Revised Statute §32-525, County Surveyor; election; when required; terms; qualifications was discussed. The Board did not adopt a resolution to continue to elect the County Surveyor for the County prior to February 1, 2020. Therefore, the Board decided to submit to the voters of Boone County, Nebraska the question of electing a Boone County Surveyor at the November 3, 2020 General Election. At the 2020 General Election the voters will decide the future of the County Surveyor office to either continue to be an Elected Office or to become an Appointed Office by the Board of Commissioners. The Boone County Surveyor position has been filled by a County Board appointment for several years due to there being no County resident that is a licensed surveyor. Motion made by Temme, second by Rasmussen to approve Resolution No. 2020-21, that the resolution be presented to the Boone County Election Commissioner and hereby is directed to place on the ballot at the November 3, 2020, General Election: "For election of county surveyor" the office continues to be an elected position. "Against election of county surveyor" the office becomes an appointed position by the Board of Commissioners. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

On February 26, 2020 the Board requested an audit proposal from Nebraska Auditor of Public Accounts and accepted their audit proposal on March 16, 2020 to audit the county governmental activities. The Board reviewed an Engagement Letter for auditing services for the 2019-2020 fiscal year submitted by Nebraska Auditor of Public Accounts. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Audit Engagement Letter for auditing services for the 2019-2020 fiscal year as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Denny Johnson, County Sheriff; John Buck, Chief Deputy Sheriff; and the Board discussed the jailer/dispatcher wage information that Johnson provided on June 24, 2020 for the Board to review. Johnson and Buck said that the jailer/dispatch position is just not receiving a pool of applicants to select from as it is hard to find people to work nights, weekends and holidays. The Board plans to discuss the information during the 2020-2021 budget preparation.

## Public Comments:

- Robert Vern Watts of Cedar Rapids, US Army WWII Veteran, was honored for his military service by the Board.

Chairman Rasmussen declared the meeting adjourned at 11:55 A.M., with the next Board meeting scheduled for Monday, July 13, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
JULY 13, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 13, 2020 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 go into executive session at 9:02 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: Temme, Rutten and Rasmussen. Nays: None. Motion carried. The Board reviewed an employee assistance request. Motion made by Temme, second by Rasmussen to come out of the executive session at 9:16 A.M. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried. Motion made by Rasmussen, second by Temme to approve a portion of the employee assistance request. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board approved and signed a letter addressed to the Nebraska Community Foundation on June 29, 2020. Chuck Rolf, Kurt Kruse and Bill Robinson, members of the Boone County Agricultural Education Center, Inc. informed the Board that the anonymous grant foundation is requesting additional information that was not addressed in the June 29, 2020 letter. Motion made by Rutten, second by Rasmussen to approve a revised letter signed by the County of Boone, Nebraska and Boone County Agricultural Society, Inc. to the Nebraska Community Foundation in appreciation of the anonymous grant and agree to provide ongoing maintenance for the new fairgrounds building project known as the Boone County Agricultural & Educational Center. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent and the Board discussed several road/bridge issues/projects. Some of the following projects discussed with no final decisions made at this time:

- Ziemba informed the Board that Brian McDonald, Engineer with JEO Consulting Group, Inc., plans to prepare estimates for the repair of a bridge known as Pilot Knob Bridge (FEMA project) near Primrose and asphalt roads near Albion known as cemetery, fairgrounds and golf course roads.
- The cemetery road near Cedar Rapids needs some cracks repaired.
- Pat Gubbels, Theisen Construction, Inc. updated the Board and Highway Superintendent on the Cedar Rapids Northwest Bridge 6(00715) Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52. The cost may be considerably higher due to Theisen Construction has worked eleven days on the project and little progress has been made. Gubbels said that a wing of the bridge was scoured out and is against the bridge backwall and the wings/sheet piling are extra deep in the Cedar River. So far Theisen Construction has dug approximately 24' and not been able to dig out the wings/sheet piling out of the sand/water of the Cedar River. The 2019 flood damage that changed the Cedar River streamflow is presenting unforeseen circumstances for the bridge repair project.

The Board did not receive the change order documents to review for said bridge project. Motion made by Temme, second by Rasmussen to table a change order for the Cedar Rapids Northwest Bridge 6(00715) Project



# Boone County Board Minutes



(FEMA) to a future Board meeting. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 1785 in the amount of \$27.60 and Vendor ID No. 677 in the amount of \$76.69 that were submitted for mileage reimbursement. The Board discussed the mileage reimbursement requests with the travel being within/jurisdiction of the Albion City limits. The Vendor ID No. 1785 in the amount of \$27.60 and a portion of Vendor ID No. 677 in the amount of \$1.34, mileage reimbursement request, is for travel being within/jurisdiction of the Albion City limits. There is no federal law that requires employers to reimburse employees for mileage within/jurisdiction of the employee worksite. Motion made by Temme, second by Rutten to reject/deny Vendor ID No. 1785 mileage reimbursement request of \$27.60 and partially reject/deny Vendor ID No. 677 mileage reimbursement request of \$1.34 (Boone County share) and approve payment of \$75.35, due to the mileage reimbursement request with the travel within the/jurisdiction of the Albion City limits. Roll call vote: Yeas: Temme, Rutten and Rasmussen. 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, except the changes as stated above: General - \$84,685.19; Road/Weed - \$303,944.01; 911 Emergency Management (2910) - \$1,352.54; 911 Wireless Service (2913) - \$2,588.57; Fair Building (4025) - \$284,743.70; and Ambulance - \$2,920.67. 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 June 29, 2020 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 June, 2020:

- Clerk - \$13,738.25 (State of Nebraska \$7,070.20)(County of Boone \$6,668.05)
- Clerk of the District Court - \$1,379.82 (State of Nebraska \$378.00)(County of Boone \$1,001.82)
- Sheriff - \$1,768.03
- Planning & Zoning - \$444.50
- Treasurer - Miscellaneous Receipt Nos. 17936-17996 - \$268,699.67
- Treasurer - Total Collections - \$665,447.42

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

The County Treasurer submitted a Semi-Annual Statement for January 1, 2020 through June 30, 2020. 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, 2020. 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 Clerk submitted a Statement of Receipts and Disbursements for fiscal year end June 30, 2020. Motion made by Rasmussen, second by Temme to accept and approve as presented the County Clerk/Register



# Boone County Board Minutes



of Deeds 2019-2020 fiscal year-end report. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board reviewed the 2019-2020 fiscal year-end Boone County Ambulance Services report. The Boone County Ambulance beginning fund balance revenue \$246,441.72; receipted revenue \$94,711.08; Expenses \$67,121.37; and balance as of June 30, 2020 - \$274,031.44. The Ambulance Service Fund (5502) has no levy to receive taxes. Motion made by Temme, second by Rasmussen to accept and approve as presented the Boone County Ambulance Service 2019-2020 fiscal year-end report. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board received Payment Application No. 18/final from Rathman Manning Construction for the fairgrounds building. The final payment request of \$318,948.07 is for completion of the building project. The Board received an email from Ryan D. Stearns, architect with Joseph R. Hewgley and Associates, shortly before approval of the Accounts Payable Vendor Claims to pay all of the final payment but \$50,000.00 due to a few minor issues with the building. Motion made by Temme, second by Rutten to approve partial payment number eighteen for \$268,948.07 to Rathman Manning Construction withholding \$50,000.00 from the payment as requested by the architect. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received Invoice #5, Final payment request from the architect firm Joseph R. Hewgley & Associates, Inc. for the new building at the fairgrounds. Motion made by Rutten, second by Rasmussen to approve final payment of \$15,795.63 to the architect firm of Joseph R. Hewgley & Associates, Inc. of North Platte, Nebraska. 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. St. John's The Baptist Catholic Church of Petersburg requested assistance to advertise the Fall Bazaar Festival scheduled for September 6, 2020. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the St. John's The Baptist Catholic Church Fall Bazaar Festival event from the Visitor's Promotion Fund as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

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 Rasmussen 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 2020-2021 for approximately \$3,500.00. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried

## Public Comments:

- Meetings: BCDA, Inc. - July 14, 2020; Northeast NE Area Agency on Aging – July 16, 2020.

Chairman Rasmussen declared the meeting adjourned at 1:15 P.M., with the next Board meeting scheduled for Monday, July 20, 2020.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 20, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 20, 2020 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 July 13, 2020 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 July 13, 2020 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board met with the County Elected Officials/Department Heads to discuss preparation for the 2020-2021 budget. Chairman Rasmussen asked all present to join in the Pledge of Allegiance. The Board discussed budget preparation with the County Assessor, Clerk, Highway Superintendent, Treasurer, Veteran Service Officer, Courthouse Maintenance, County Court and UNL Extension. 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 in 2019 to the County roads, bridges, etc. is not all repaired yet. The employee benefits, consumer price index of .6 percent and January cost of living wage increase for full time employees were discussed. The department heads received a copy of their respective employee's current hourly wage with the employer paid share figure of health insurance, retirement and social security to review. Motion made by Rutten, second by Rasmussen to approve a 38 cent per hour cost of living wage increase for full time employees for year 2021. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board and County Assessor, Clerk, Highway Superintendent, Treasurer, Veteran Service Officer, Courthouse Maintenance, County Court and UNL Extension discussed the idea of a courthouse telephone answering directory system. Some of the offices were okay with trying the answering directory while other offices do not want to be part of a directory system. Several questions such as operation of the fax lines, transfer calls, transferring the respective office phone line to an out of county office line for assistance, etc. The questions/concerns will be addressed at a future Board meeting.

The Boone County Ambulance Service submitted a July 2017 uncollectible ambulance account that the Board reviewed on April 16, 2018 and turned over to the County Attorney for further collection. Three years has lapsed since the date of the Ambulance Service and no payments were received from the patient or collected by the County Attorney on said County Ambulance Service account. Motion made by Temme, second by Rasmussen to write-off the July 2017 County Ambulance Service account in the amount of \$1,245.00. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.



# Boone County Board Minutes



The Boone County Ambulance Service submitted the remaining balance of an October 2018 uncollectible ambulance account that the Board reviewed on August 19, 2019 and turned over to the County Attorney for further collection. The County Attorney returned the file to the Board to write-off said remaining account balance with no explanation as to why it was uncollectible. Motion made by Temme, second by Rasmussen to write-off the October 2018 County Ambulance Service account balance in the amount of \$262.75. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

On October 28, 2019 the Board approved Resolution No. 2019-41, appointing Stacey Ziemba, Boone County Highway Superintendent, to do a feasibility study in regard to possible vacation of a portion of a certain county road. The 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. As of July 20, 2020 the Board has not received a written feasibility study to review for said mile of road. Ziemba informed the Board that a survey has been completed to establish the section quarter corners, the tubes in question were cleaned out by the County on February 28, 2020 to help with the water flow and Ziemba has not received any correspondence from the Core of Engineers.

On June 29, 2020 the Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc., reviewed bids for Bridge Project C-6(393), Bridge 6(11215), Petersburg East located on 150<sup>th</sup> Street east of 330<sup>th</sup> Avenue. The Board accepted and recommend approval of the A & R Construction Co. of Plainview, NE bid for the Bridge Project C-6(393), Bridge 6(11215), Petersburg East for \$208,352.30, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer.

Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Notice to Proceed and Agreement documents between Boone County, Nebraska and A & R Construction Co. of Plainview, NE for Bridge Project C-6(393), Bridge 6(11215), Petersburg East for \$208,352.30 as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On June 29, 2020 the Board, County Highway Superintendent, and Brian McDonald, Engineer with JEO Consulting Group, Inc., reviewed bids for Bridge Project C-6(398), Bridge 6(23340), Raeville East located on 260<sup>th</sup> Avenue, ¼ mile North of 120<sup>th</sup> Street. The Board accepted and recommend approval of the A & R Construction Co. of Plainview, NE bid for the Bridge Project C-6(398), Bridge 6(23340), Raeville East for \$139,832.74, dependent upon full review of the construction cost bids by Brian McDonald, JEO Engineer.

Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Notice to Proceed and Agreement documents for JEO Consulting Bridge Project No. 181199 between Boone County, Nebraska and A & R Construction Co. of Plainview, NE for Bridge Project C-6(398), Bridge 6(23340), Raeville East for \$139,832.74 as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Rod Nelson, Maintenance; and Denny Johnson, Sheriff, discussed a building for the County to use for surplus storage and law enforcement impounded items on May 11 and 27, 2020. The Board has decided to use the round metal quonset building located at the Boone County Fairgrounds for storage of County surplus items and law enforcement impounded items. The only access key for said storage building will be in the possession of the Boone County Sheriff. The County is currently renting two storage units from Kayton International. Motion made by Temme, second by Rutten to approve and forward a letter of termination for Lease Agreement-Storage Unit Number 33 and Lease Agreement-Storage Unit Number 31 to Kayton International, Inc. of Albion, Nebraska with an effective date of termination being August 31, 2020. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



Stacey Ziemba, 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 final decisions made at this time:

- Ziemba informed the Board that water ran over the road on 100<sup>th</sup> Avenue, south of State Highway 91 during the last rain. The portion of said road is the road that the County recently built up and hauled in material, put in ditches for Boone and Greeley County and the landowner to the east. There is a man-made dam that causes the water to run over the road.
- Brian McDonald, Engineer with JEO Consulting Group, Inc., is preparing plans and documents for several of the proposed road projects.
- McDonald met with the landowner that has drainage concerns with a bridge located in the SE1/4 of 17-20-6. The bridge in question appears to be a private bridge on private property. McDonald suggested that the Board have the County Attorney review State Statutes §31-221 thru §31-226.
- McDonald is preparing a hydraulic study for Bridge #00405, located on 110<sup>th</sup> Street, ½ mile west of 110<sup>th</sup> Avenue.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – July 20, 2020; Local Emergency Planning Committee (LEPC) – July 23, 2020.
- Commissioner Rutten reported that the Northeast Nebraska Juvenile Services cancelled their scheduled July meeting.
- Commissioner Rasmussen updated the Board regarding the East-Central District Health Department committee meeting.
- Commissioner Temme updated the Board regarding the Northeast Nebraska Area Agency on Aging committee meeting.
- The Board acknowledge receiving information from Lancaster County Youth Services Center regarding possible interest in a detention services agreement. Boone County has a juvenile services agreement with Northeast Nebraska Juvenile Services, Inc.
- The Board acknowledge receiving information from Loup Power District (LPD), in regard to their process of updating their Hazard Mitigation Plan.

Chairman Rasmussen declared the meeting adjourned at 2:09 P.M., with the next Board meeting scheduled for Monday, July 27, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS JULY 27, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, July 27, 2020 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 the County Payroll Claims filed for the pay period of June 22, 2020 through July 21, 2020. The Board noted/questioned several hours of overtime for the pay period. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$102,133.67, BCBS \$49,577.04, Ameritas Ret \$7,051.06, EFTPS \$7,619.42, LTD Premiums \$4.54, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$64,411.31, BCBS \$31,578.68, Ameritas Ret \$4,347.78, EFTPS \$4,858.30; Ambulance \$1,896.69, Ameritas Ret \$41.65, EFTPS \$145.09; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of July 20, 2020 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 of Equalization Proceedings of July 20, 2020 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board of Equalization Proceedings of July 24, 2020 as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Temme to approve the County Board of Equalization 2020 Final Proceedings as presented. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Denise Ziemba, Region 44 Emergency Manager, updated the Board in regard to Emergency Management activities. Ziemba said that it has been quiet with everything that does not involve COVID-19. Ziemba reported on the Local Emergency Planning Committee (LEPC) meeting held July 23, 2020 in Albion.

Richard Martinsen, CPA, Schmeits, Mueller & Martinsen, P. C., prepared the annual county budget and submitted a preliminary 2020-2021 budget for the Board to review. The Board and Martinsen discussed the preliminary 2020-2021 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 for 2018-2019 fiscal year was \$3,679,011.00 with a 2018 levy tax rate of 0.153638 and the property tax request for 2019-2020 fiscal year was \$4,262,835.00 with a 2019 levy tax rate of 0.176883. The preliminary property tax request for 2020-2021 fiscal year budget is \$9,553,397.00 which is a \$5,290,562.00 increase from last fiscal year budget request.





# Boone County Board Minutes



The majority of the increase is in the County Road Fund (0200) for infrastructure repair/replacement of bridges/roads. 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 17 and 26, 2020 to review the preliminary budget requests due to a minimum of five million needs to be cut from the General Fund and Road Fund requests in order to be under the 3% lid if the 2020 valuation remains/close to the 2019 valuation. If the 2020 valuation is lower than the 2019 valuation more than the five million will need to be cut from the budget expense requests. Motion made by Rasmussen, second by Rutten to accept and file the preliminary County of Boone, NE fiscal year 2020-2021 budget per state statute with changes to be made on August 17 and 26, 2020 before budget publication and hearing. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to set the budget hearing for the Fiscal Year 2020-2021 County Budget on Monday, September 14, 2020 at 10:00 A.M. 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. Rae Valley Heritage Association, Inc. of Petersburg requested assistance to advertise the Nebraska State Antique, Tractor and Horse Plowing event scheduled for August 21, 22 and 23, 2020. 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 event from the Visitor's Promotion Fund as requested. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The County Treasurer submitted to the Board a list of delinquent 2016 real estate taxes not sold at the tax sale held in March 2020 as per Nebraska State Statute. Motion made by Temme, second by Rasmussen to approve Resolution No. 2020-22, 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 2016 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: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

In November of 2016 the County of Boone purchased a fraction of the NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as the Kohtz property south of and adjacent to the Boone County Fairgrounds property. In December 1967 a permanent easement was assigned to the City of Albion to maintain and construct an earthen dam with spillways on said property. The "Kohtz-City of Albion Detention Dam" was approved by the U.S. Department of Agriculture Soil Conservation Service and filed with the State of Nebraska, Department of Water Resources in December 1967. On July 13, 2020 the County of Boone, Nebraska transferred to the City of Albion, Nebraska a tract of land comprising a part of the Northeast Quarter (NE1/4) of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska of approximately 10.93 acres commonly known as the Kohtz-City of Albion Dam. Motion made by Rutten, second by Rasmussen to approve and authorize the Board Chairman to sign a State of Nebraska, Department of Natural Resources document "Notice of Change of Ownership/Water Resources Update Notice" pertaining to the tract of land comprising a part of the Northeast Quarter (NE1/4) of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska of approximately 10.93 acres commonly known as the Kohtz-City of Albion Dam. 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.



# Boone County Board Minutes



In addition, the following topic was discussed: The 2014 CAT 140H motor grader oil sample readings indicate that there is an issue with engine. Nebraska Machinery Company (NMC CAT) prepared an estimate of \$42,743.74 to repair/rebuild the engine. The CAT parts credit that the County has from the purchase of the new motor graders may be used towards the parts/repair of said motor grader. Motion made by Rutten, second by Temme to accept the engine repair estimate of \$42,743.74 from Nebraska Machinery Company for the 2014 CAT motor grader and use what is available of the CAT parts credit. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The County Highway Superintendent submitted two repair quotes for the front bumper of the 2020 International Truck Tractor that was damaged by a deer on July 1, 2020 for the Board to review. The repair quotes: B & G Body Shop of Albion, NE - \$2,274.48 and Swiatek Collision Center of Albion, NE - \$1,630.10. Motion made by Temme, second by Rutten to approve and accept the approximate quote of \$1,630.10 from Swiatek Collision Center of Albion for the repair of the 2020 International Truck Tractor. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board, County Highway Superintendent and John Morgan, County Attorney, discussed road issues. Ziembra and the Board updated Morgan in regard to the water that ran over the road on 100<sup>th</sup> Avenue, south of State Highway 91 during the last rain. The portion of said road is the road that the County recently built up and hauled in material, put in ditches for Boone and Greeley County and the landowner to the east. There is a man-made dam that causes the water to run over the road. In addition, the Board asked Morgan to review the drainage concerns with a bridge located in the SE1/4 of 17-20-6. The bridge in question appears to be a private bridge on private property. Morgan plans to respond in writing in regard to the two issues.

Motion made by Temme, second by Rutten to go into executive session at 11:16 A.M., per the Open Meeting Act §84-1410 (1a), strategy session with respect to pending litigation. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried. The Board and County Attorney reviewed the pending litigation. Motion made by Temme, second by Rutten to come out of the executive session at 12:20 P.M. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried. Motion made by Temme, second by Rutten to authorize the County Attorney to respond to the litigation concerning a road issue. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Planning Commission – July 27, 2020; Boone County Health Center – August 4, 2020.
- Commissioner Rutten updated the Board regarding the LEPC meeting.
- Commissioner Rutten updated the Board regarding the Boone County Trails System meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.

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 1:00 P.M., with the next Board meeting scheduled for Monday, August 10, 2020.

Kathy Thorberg,



# Boone County Board Minutes



Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 10, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 10, 2020 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 and Alan Rasmussen. Commissioner Larry Temme was absent. 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 and County Highway Superintendent reviewed Vendor ID No. 1920, a paid invoice for the repair for damage to a radial tractor tire submitted for some reimbursement by the landowner on behalf of the tenant. The tenant was shredding the ditches and damage to the tractor tire was due to an old broken off road sign post that was not removed when a new road sign post was installed. The County has since removed the broken off sign post. The Board and County Highway Superintendent decided to reimburse half of the invoiced parts (tire repair portion). Motion made by Rasmussen, second by Rutten to reimburse Vendor ID No. 1920 a portion of the invoiced parts (tire repair portion) in the amount of \$834.02. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Absent: Temme. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$51,169.49; Road/Weed - \$226,601.31; County Visitors Promotion - \$371.80; 911 Emergency Management (2910) - \$491.24; 911 Wireless Service (2913) - \$479.87; and Ambulance - \$1,046.20. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Absent: Temme. Motion carried.

The Board accepted and approved written resignations from two full-time County Sheriff office employees, one on June 24, 2020 and one on August 10, 2020 Board meetings. Motion made by Rutten, second by Rasmussen to approve two claims filed for payment on the General Fund for a net amount of \$2,789.71 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims as presented. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Absent: Temme. Motion carried.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of July 27, 2020 as presented. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Absent: Temme. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Rasmussen, second by Rutten to accept and approve the resignation of Andrea Solem effective August 4, 2020 as presented. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Absent: Temme. 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 July, 2020:

- Clerk - \$6,828.00 (State of Nebraska \$2,579.57)(County of Boone \$4,248.43)
- Clerk of the District Court - \$1,018.22 (State of Nebraska \$563.00)(County of Boone \$455.22)
- Sheriff - \$1,217.10
- Planning & Zoning - \$410.72
- Treasurer - Miscellaneous Receipt Nos. 17997-18067 - \$705,964.57
- Treasurer - Total Collections - \$1,153,396.25

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

Larry Temme, Rae Valley Market LLC, submitted an application for Special Designated License (SDL) for September 5, 2020. The Board reviewed the application for Special Designated License (SDL) for a wedding reception scheduled for Saturday, September 5, 2020 at the St. Bonaventure Church Hall in Raeville, Nebraska. Motion made by Rasmussen, second by Rutten to approve, as submitted, the Application for Special Designated Liquor License request from Rae Valley Market LLC for a wedding reception to be held at the St. Bonaventure Church Hall, Raeville, Nebraska on September 5, 2020 as presented. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Absent: Temme. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent and the Board discussed several road/bridge issues/projects, equipment repair, culvert replacements and shop building repairs. In addition, the following topics were discussed:

- Theisen Construction, Inc. are moving along on the Cedar Rapids Northwest Bridge 6(00715) Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52. The 2019 flood damage that changed the Cedar River streamflow is presenting unforeseen circumstances for the bridge repair project. The construction company has had to go down 100 feet to reach bearing for the H-piling support beams.
- The County Highway Superintendent plans to place some unused road items/materials on the annual FFA auction that is scheduled for Saturday, August 15, 2020.
- The County Highway Superintendent and the Board discussed the current procedure when a property owner requests a culvert to be installed under a driveway. Currently the County is billed and pays the culvert supplier the full culvert cost and then the County bills the property owner their share. The property owner is responsible for half of the cost of the culvert. The Board felt it would be best if the property owner could be billed their share from the culvert supplier.

Michelle Olson, BCDA, Inc. Executive Director, was unable to attend the Board meeting and has re-scheduled the review of the Membership Agreement for fiscal year 2020-2021 to Wednesday, August 26, 2020.

Michelle Olson, BCDA, Inc. Executive Director, was unable to attend the Board meeting and has re-scheduled the review of the Disbursement Agreement for fiscal year 2020-2021 to Wednesday, August 26, 2020.

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



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received a request for advertisement funding. The St. Edward Development Company requested assistance to advertise the Vintage in the Valley event scheduled for September 19, 2020. Motion made by Rutten, second by Rasmussen to approve the application requesting funding assistance for advertisement of the St. Edward Development Company, Vintage in the Valley, event from the Visitor's Promotion Fund as submitted. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Absent: Temme. Motion carried.

The Board; Rod Nelson, Maintenance; and Denny Johnson, Sheriff, discussed a building for the County to use for surplus storage and law enforcement impounded items on May 11 and 27, 2020. The Board approved a letter of termination for Lease Agreement-Storage Unit Number 33 and Lease Agreement-Storage Unit Number 31 to Kayton International, Inc. of Albion, Nebraska on July 20, 2020 with an effective date of termination being August 31, 2020. The Board, Nelson, Johnson and Chuck Rolf, Boone County Agricultural Society, discussed the protocol and procedure to move the County storage items to a building at the fairgrounds and security preparation of the round metal quonset building located at the Boone County Fairgrounds. The County plans to utilize the southwest corner of the quonset building to secure storage for county surplus items and law enforcement impounded items. Nelson and Johnson will move the items from the present storage to the new storage location. Nelson and Johnson will proceed with plans for a partition and lockable roll-up door to secure the stored items. The only access key for said storage building will be in the possession of the Boone County Sheriff's office.

The Board and Chuck Rolf, Boone County Agricultural Society, discussed the removal of the old concrete office/restroom building and former petting zoo building that is located west of the office/restrooms. Rolf informed the Board that the petting zoo building is for sale and will be removed, but the concrete floor will need to be removed. The Board plans to seek quotes for removal/disposal of the old former concrete fairground office/restroom/floor building and the concrete floor of the former petting zoo building from Byglund Dirt Contracting, Inc. and Seda Land Handling, LLC.

## Public Comments:

- NIRMA telephonic/webinar conferences – August 12 and 13, 2020.
- NIRMA annual Self Defense conference held in October has been cancelled. Plans are to offer a series of monthly webinars.
- Northeast NACO District fall meeting will not be held in person. Details are still being worked out for possibly a virtual meeting.
- Clerks, Register of Deeds and Election Commissioners annual workshop will not be held in person. Details are still being worked out for possibly a virtual meeting.

Chairman Rasmussen declared the meeting adjourned at 11:38 A.M., with the next Board meeting scheduled for Monday, August 17, 2020.

Kathy Thorberg,  
Boone County Clerk



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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 17, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, August 17, 2020 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.

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, Larry Temme and Alan Rasmussen; Rod Nelson, Courthouse Maintenance; and Kathy Thorberg, County Clerk. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) A Courthouse fire drill was held on Friday, May 29, 2020 at 8:15 A.M.; (2) Copies of the County Safety Manual were distributed to Department Heads to give to their respective employees on June 2, 2020; (3) The courthouse door had been locked due to COVID-19 and re-opened to the public on Friday, June 12, 2020; (4) Nelson said that there is currently a good supply of masks, hand sanitizer and other disinfectant items on hand; and (5) The Road District #2 shop building has some safety issues that needs to be addressed. New business that was addressed/reviewed: (1) No incidents were reported by Boone County to NIRMA for the second quarter of 2020 and as of June 30, 2020 all prior claims have been closed; and (2) A county road department semi-truck tractor received damage due to hitting a deer crossing the road and was reported on July 2, 2020. The Safety Committee meeting was adjourned by Commissioner Ben Rutten, Chairman of the Boone County Safety Committee at 9:12 A.M. The next quarterly Safety Meeting is scheduled for November 16, 2020.

Motion made by Rutten, second by Rasmussen to approve the County Board Proceedings of August 10, 2020 as presented. Roll call vote: Yeas: Rutten and Rasmussen. Nays: None. Abstain: Temme. Motion carried.

Tina Landauer, Boone County Legion Commander/CFO, was unable to attend the Board meeting and has re-scheduled the information regarding County Legion Government Day and Oratorical Speech Contest to Wednesday, August 26, 2020.

The Board met with the County Elected Officials/Department Heads to discuss preparation for the 2020-2021 budget on July 20, 2020. The Board suggested 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 in 2019 to the County roads, bridges, etc. is not all repaired yet. The Board did approve a 38 cent per hour cost of living wage increase for full time employees for year 2021. The Board met with Richard Martinsen, CPA, Schmeits, Mueller & Martinsen, P. C., on July 27, 2020 and discussed the preliminary 2020-2021 budget requests submitted by the county departments. The preliminary property tax request for 2020-2021 fiscal year budget was \$9,553,397.00 which is a \$5,290,562.00 increase from last fiscal year budget request. The County Elected Officials/Department Heads were asked to review their 2020-2021 budget requests for possible reduction, before the August 17, 2020 Board meeting, due to a minimum of five million needs to be cut from the General Fund and Road Fund requests in order to be at or under the 3% lid.



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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 portion of the Road Fund Highway Allocation revenue that is received each year is designated to pay the fiscal year bond/interest payments for the seven year Limited Tax County Road Bonds Series 2019. In addition, two million dollars of the County Inheritance Tax Fund has been designated for use by the Road Fund in order to lower the tax levy request. Martinsen and the Board received the 2020 Certification of Taxable Values from the Boone County Assessor. The Boone County Total Taxable Value for 2020 is \$2,307,751,527.00 which is \$102,227,280.00 less than 2019. The Road Fund expense request was cut \$5,061,460.00 and the General Fund was cut \$59,309.00 in order to be in compliance with the 3% lid. The County budget property tax request for 2018-2019 fiscal year was \$3,679,011.00 with a 2018 levy tax rate of 0.153638; the property tax request for 2019-2020 fiscal year was \$4,262,835.00 with a 2019 levy tax rate of 0.176883; and the property tax request for 2020-2021 fiscal year is \$4,432,628.00 with a 2020 levy tax rate of 0.192076. 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. Motion made by Rasmussen, second by Rutten to accept the proposed budget requests for the Fiscal Year 2020-2021 County Budget hearing that is set for Monday, September 14, 2020 at 10:00 A.M. Roll call vote: Yeas: Rasmussen, Rutten and Temme. 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 2020-2021 fiscal year. Motion made by Rasmussen, second by Rutten to approve Resolution No. 2020-23, authorizing the levy allocation requests for the 2020-2021 fiscal year for the Albion, Cedar Rapids, Petersburg, Primrose and St. Edward Rural Fire Districts (MFO levy of .020000), Boone County Agricultural Society, Inc. (\$125,000.00) and Boone County Historical Society, Inc. (\$15,000.00). Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The County of Boone, State of Nebraska and the Boone County Historical Society, Inc. entered into a Lease Agreement on May 2, 1972. The County leased to the Historical Society real estate property being a fraction of the Northeast Quarter (NE1/4) of Section Twenty-eight (28), Township Twenty (20) North, Range Six (6) West of the 6th P.M., Boone County, Nebraska, for the construction of building(s) and use for Boone County Museum and Boone County Historical Society, Inc. purposes. 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 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. A research of records/documents says that the first building (museum) in 1970's was public donations; second building was by a 1988 Bond Election; other buildings, equipment, displays, etc. are donations; and a budget (levy allocation) for operating expenses. The transfer of the real estate with a Warranty Deed from the County of Boone, Nebraska to the Boone County Historical Society, Inc., terminates the 1972 Lease Agreement and all leases and agreements, written or verbal, between the parties that pertained to the Boone County Historical Society, Inc./Boone County Museum.

On June 24, 2020 the Board approved publishing a Notice of Intent to Transfer Real Estate from the County of Boone, Nebraska to the Boone County Historical Society, Inc. The county board shall print and publish in a legal county newspaper a notice stating the legal description and address of the real estate at least thirty days





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prior to the transfer. The notice was published in the Albion News, a weekly newspaper on Wednesday, July 1, 2020.

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 Boone County Historical Society, Inc. of Albion, Nebraska, the real estate being All of Lot One (1), Fairgrounds 1st 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 6th P.M., Boone County, Nebraska. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

All County Officials and Department Heads must contact the County Board, as an agenda item, before buying, leasing or doing any major maintenance to equipment or furniture over \$800.00, per the January 2020 Board Reorganizational Meeting Proceedings. Jacqueline Wells, Boone County Veterans Service Officer, presented quotes from Eakes Office Solutions and OfficeNet, Inc. for purchase or lease of a new or refurbished color copy machine for the Board to review. The Veteran's Service office present copy machine lease is completed and either needs to do a buyout or new lease or a purchase. The quotes received for a color copy machine: OfficeNet, Inc.: Savin IMC300F - \$2,991.00 new purchase, maintenance rates for two years - \$32.00/month (1,500 black/white; 200/color) or \$55.91/month (\$.012 per black/white; \$.069 per color) and Eakes Office Solutions: Sharp MX-2651 - \$5,990.00 new purchase or 60 month lease \$6,840.00 (\$114.00/mo.), maintenance rate for two years - \$.0079 per black/white and \$.0395 per color page; Sharp MC-C402SC - 60 month lease at \$96.00 per month refurbished machine with a maintenance rate billed quarterly - \$.0164 per black/white and \$.0967 per color page. Motion made by Temme, second by Rutten to approve and authorize Jacqueline Wells, Veterans Service Officer, to purchase the Savin IMC300F color copy machine from OfficeNet, Inc. for approximately \$2,991.00 with a two year maintenance agreement as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board reviewed a document received from the State of Nebraska, Nebraska Liquor Control Commission, submitted by Chuck Rolf, Boone County Agricultural Society, Inc., to add the new fairgrounds building "Boone County Agricultural Education Center" to their Liquor License # I-050811. The Boone County Agricultural Society, Inc. applied for a liquor license in February 2001 for use in the Casey Community Building. In August 2006 the Boone County Event Center was added as a location for the said liquor license and the request today is to add the Boone County Agricultural Education Center location to the liquor license. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Application for Addition form to allow the Boone County Agricultural Education Center building to be added to the Boone County Agricultural Society, Inc. Liquor License # I-050811 in order to sell alcohol at events held in said new building. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve Resolution No. 2020-24, authorizing a Petty Cash Fund for a Boone County Treasurer Cash Drawer that reconciles to \$25.00 and is used when needed to make change when receiving payments of fees/copies/postage/taxes as submitted. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Barb Hanson, Boone County Assessor, submitted a Maintenance Agreement from Stanard Appraisal Services, Inc. of Central City, Nebraska for the Board to review. The agreement is for providing 32 hours of appraisal service from July 1, 2020 through June 30, 2021 for pick up work of Boone County Commercial properties. The compensation for the basic agreement, including 32 hours of appraiser time will be \$3,296.00 and if the County requests more than 32 hours of appraiser time, the County will be billed at the rate of \$103.00 per hour for additional time on a monthly basis. Motion made by Rutten, second by Temme, to approve and authorize the Board Chairman to sign the Maintenance Agreement for pick up work of Boone County Commercial properties for fiscal year 2020-2021 by and between Stanard Appraisal Services, Inc. and County of Boone,



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Nebraska for 32 hours of appraisal service as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Barb Hanson, Boone County Assessor, submitted a Statement of Work for Project: Oblique Imagery Capture for Ag Parcels with Improvements, from gWorks for the Board to review. gWorks has flown Geographic Information System (GIS) integrated rural structure photography for many Nebraska counties. The digital data is delivered ready to use in the client's GIS program and each location captured by picture shows up as a point on the WebGIS. Motion made by Rasmussen, second by Temme to approve and authorize the Board Chairman to sign the Digital Oblique Aerial Images cost of \$34,000.00 from gWorks for fly over images/pictures of the County rural properties in the fall of 2020 as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

The Board; Hilary Maricle, UNL Engagement Zone 6 Coordinator; Steve Pritchard, UNL Extension Educator; Chuck Rolf, Boone County Agricultural Society, Inc.; and Roger Voichoski, Boone/Nance Extension Board representative, discussed UNL Extension Agreements via zoom with Dave Varner, Interim Dean and Director of UNL Extension. The two documents in discussion are the Interlocal Agreement for the Provisions of Cooperative Extension Services dated December 1997 and a Constitution dated December 1998, signed by and between Boone County, Nance County and UNL. The Interlocal Agreement for UNL Extension Services was effective July 1, 1997 and today the recitals, covenants, terms, etc. are not applicable with the changes of the UNL Extension organizational structure. Varner said that UNL is working on standardized language for said revised agreements. Varner said there are details that have to be worked out between individual counties and UNL and it varies from county to county. The Board asked several questions on the various UNL Extension expenses that are being paid by the County Budget and not by UNL. Some of the questions were utilities, postage, copy machine, internet fees, computer equipment, travel expenses, mileage reimbursement, UNL student summer internship and wages for an office support/clerical employee. The Board asked why a UNL Extension Educator is receiving mileage from the county budget to get to their other designated work office when counties are combined for Extension services. Additional discussion is planned upon receiving a copy of the revised/updated agreement language from UNL Extension.

The Constitution, with Extension Board Bylaws included, was adopted in December of 1998. Varner said the details for a revised Constitution would need to be worked out between the Boone/Nance Extension Board and County Commissioners/Supervisors. UNL would review the revised/updated Constitution for acceptance before being approved by the counties.

Also discussed was a Lease Agreement that provides use of the new office space for UNL Extension in the new fairgrounds building "Boone County Agricultural Education Center", by Hilary Maricle, UNL Engagement Zone 6 Coordinator. A monthly rental fee of \$225.00 for use of office space in the new fairgrounds building has been discussed. The Lease Agreement has not yet been finalized.

Varner explained the changes in the Extension services that provides for specialized staff. Extension Educators are divided into seven program areas. Extension Educators such as beef and crop specialists, are headquartered in certain counties, but provide their services to several counties.

The Board has 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 past years. The Board discussed disposal of smaller county office equipment/furniture that is in storage or no longer in use by the county offices. The Board said that it is time to dispose of some of the items in storage that are not presently located in the courthouse and are being moved from one storage location to a new storage location. Motion made by Temme, second by Rutten to allow smaller surplus county office equipment/furniture that is valued under \$100.00 to be tagged for sale by



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said office with tags identifying the office selling and dollar amount, all payable to the County Treasurer, in the hallway of the courthouse from August 31, 2020 through September 11, 2020. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On August 10, 2020 the Board and Chuck Rolf, Boone County Agricultural Society, Inc., discussed the removal/disposal of the old former concrete fairgrounds office/restroom/floor building and the concrete floor of the former petting zoo building. The Board decided to obtain quotes for removal/disposal of the old former concrete fairground office/restroom/floor building and the concrete floor of the former petting zoo building from Bygland Dirt Contracting, Inc. and Seda Land Handling, LLC. Rolf was present for the opening of the quotes and informed the Board that the utility companies have been notified for disconnect of said facilities, the petting zoo building has been sold for \$500.00 and the party has been told to have said building removed by September 1, 2020. The quotes received: Seda Land Handling, LLC - \$2,800.00, bid assumes building is free of asbestos; and Bygland Dirt Contracting, Inc. - \$3,750.00, bid includes required asbestos inspection. Motion made by Rasmussen, second by Rutten to approve and accept the quote of \$2,800.00 from Seda Land Handling, LLC for the removal/disposal of the old former concrete fairgrounds office/restroom/floor building and the concrete floor of the former petting zoo building as soon as possible after September 1, 2020. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – August 17, 2020; BCDA, Inc. – August 18, 2020; Region 4 Behavioral Health System – August 19, 2020; Northeast Nebraska Juvenile Services, Inc. – August 21, 2020; and Northeast Nebraska Area Agency on Aging – no meeting in August.
- On Monday, August 24, 2020, Philip Cruz, HCA Asset Management, the firm contracted to perform property appraisals for NIRMA, will conduct appraisal of the county fairground buildings and the Road District #3 new shed.

Chairman Rasmussen declared the meeting adjourned at 12:46 P.M., with the next Board meeting scheduled for Wednesday, August 26, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS AUGUST 26, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, August 26, 2020 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 the County Payroll Claims filed for the pay period of July 22, 2020 through August 21, 2020. The Board noted/questioned several hours of overtime for the pay period. Motion made by Rutten, second by Rasmussen to approve the County Payroll Claims filed for payment from the various funds: General \$97,624.86, BCBS \$47,729.32, Ameritas Ret \$6,744.81, EFTPS \$7,279.98, LTD Premiums \$0.00, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$66,477.82, BCBS \$31,578.68, Ameritas Ret \$4,487.26, EFTPS \$5,016.36; Ambulance \$3,181.05, Ameritas Ret \$90.50, EFTPS \$243.33; and Public Defender Contract \$3,358.21. 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 17, 2020 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 Rutten, second by Temme to approve the County Offices' 2019-2020 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: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

On July 27, 2020 the Board, John Morgan, Boone County Attorney, and Stacey Ziemba, Boone County Highway Superintendent, reviewed pending litigation and the Board authorized the County Attorney to respond to the litigation concerning a road issue. The Board, County Attorney and County Highway Superintendent discussed the plaintiff's allegations. The County Attorney plans to respond to the complaint filed by the plaintiff.

Tina Landauer, Boone County Legion Commander/CFO, was unable to attend the Board meeting and has re-scheduled the information regarding County Legion Government Day and Oratorical Speech Contest to Monday, September 14, 2020.





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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:

- Jebro, Inc. of Sioux City, Iowa plans to remove the oil from the oil tanker located at Albion Road Dist. #2 yards next week. Jebro is an oil collection and recycling company.
- The new truck tractor and gravel trailer for Road Dist. #2 is scheduled to arrive next week.
- Stacey Ziemba, County Highway Superintendent, informed the Board that she completed FEMA paperwork last week in regard to the 2019 flood damages, except for the two remaining bridge construction repairs. The remaining FEMA paperwork will be completed upon the completion of the two bridge construction projects.
- Ziemba said that the plan is to cover the minimum maintenance roads before the fall harvest begins.

Michelle Olson, BCDA, Inc. Executive Director, appeared before the Board regarding the Membership Agreement and Disbursement Agreement for fiscal year 2020-2021. Olson presented and reviewed a 2019-2020 BCDA RECAP report with the Board. Olson highlighted the areas of Business/Community Contributions, future grant opportunities, energizing entrepreneurs program, and launch a new promotional campaign for the county. The County of Boone, Nebraska financial contribution to BCDA, Inc. for 2019-2020 was \$109,000.00. The financial request from BCDA, Inc. for 2020-2021 is \$109,000.00. The BCDA, Inc. 2019-2020 budget was \$154,050.00 and the 2020-2021 budget request is \$154,050.00.

Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the Membership Agreement for fiscal year 2020-2021 as presented. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Disbursement Agreement for fiscal year 2020-2021 committing a sum of \$109,000.00 payable to BCDA, Inc. from the County Inheritance Tax Fund payable in two payments as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board and Chuck Rolf, Boone County Agricultural Society, Inc., discussed removal of the fairgrounds former old sheep/goat/swine building. Rolf said that the small livestock panels need to be removed from the facility. The Board and Rolf discussed advertising/listing the sale of said building facility for thirty days to see if there is any interest. The consensus of the Board is to allow the Boone County Agricultural Society, Inc. until October 31, 2020 to remove the livestock panels, etc. from the building and list/advertise for thirty days said building facility for sale to see if there is any interest in purchasing/moving the building. What is left of said building and concrete floor will be removed and disposed of the first week of November 2020.

Mary Ziemba, County Zoning Administrator, updated the Board and presented for the Board's review the modified construction permit documents she received for two animal feeding operations. The Board reviewed the document for James D. Pillen, PFF, LLC HLP Animal Feeding Operations located in the NE1/4 of 27-20-5, to modify the building from a sow facility to a finisher facility. In addition, the Board reviewed a document for Bonanza Cattle Company, LLC concentrated feeding operation located in the S1/2 of 18-21-8, to replace old pens and increase the size of pens in order to be more spread out with no increase to the head of livestock.



# Boone County Board Minutes



## Public Comments:

- LaVern Nissen of Petersburg, US Army WWII Veteran, was honored for his military service by the Board.
- Donald Pelster of Petersburg, US Army WWII Veteran, was honored for his military service by the Board.
- Commissioner Rutten updated the Board regarding the Northeast Nebraska Juvenile Services, Inc. meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- City of Albion Scrap Tire Collection is scheduled for October 1 and 2, 2020.
- City of Albion Clean-up Days is scheduled for September 17 and 18, 2020.
- The Board and County Highway Superintendent updated and answered questions by a telephone conversation with Dave Primrose in regard to the FEMA Cedar Rapids Northwest Bridge 6(00715) Project.

Chairman Rasmussen declared the meeting adjourned at 12:40 P.M., with the next Board meeting scheduled for Monday, September 14, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
SEPTEMBER 14, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 14, 2020 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. 238 in the amount of \$28.17; Vendor ID No. 677 in the amount of \$235.46; and Vendor ID No. 1378 in the amount of \$414.94 that were submitted for mileage reimbursement. The Board discussed the mileage reimbursement requests increase of one mile for each round trip from prior year's requests. The Boone County Employee Handbook addresses the use of Google Maps for direct route when not submitting the actual odometer readings for reimbursement. The Board rejected reimbursement of two miles for Vendor ID No. 238; eighteen miles for Vendor ID No. 677; and seventeen miles for Vendor ID No. 1378. Motion made by Temme, second by Rutten to partially reject the Boone County share of mileage reimbursement request for Vendor ID No. 238 and approve payment of \$27.60; Vendor ID No. 677 and approve payment of \$231.43; and Vendor ID No. 1378 and approve payment of \$408.97, with the use of Google Maps for direct route from address to address. Roll call vote: Yeas: Temme, Rutten and Rasmussen. 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, except for the changes as stated above: General - \$61,339.61; Road/Weed - \$437,734.22; Veteran's Aid (1900) - \$2,000.00; Inheritance Tax - \$54,500.00; 911 Emergency Management (2910) - \$482.54; 911 Wireless Service (2913) - \$458.57; Fair Building (4025) - \$50,000.00; and Ambulance - \$1,982.48. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received a change order to review for consideration for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52 in the amount of \$28,000.00. The original project quote was \$352,821.48 from Theisen Construction, Inc. and the change order increases the bridge repair cost to \$380,821.48. The increase is for additional labor and equipment as they had to go down 100 feet to reach bearing for the H-piling support beams. The 2019 flood damage that changed the Cedar River streamflow presented unforeseen circumstances for the bridge repair project. Motion made by Temme, second by Rutten to approve the Change Order Number 1 of \$28,000.00 as submitted for the added labor and equipment use for the construction of the bridge project for a total amount of \$380,821.48. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received Payment Application No. 1 from Theisen Construction, Inc. of Norfolk, NE for the Cedar Rapids Northwest Bridge Project. The payment request is for a portion of the mobilization, general clearing and grubbing, preparation of bridge and additional labor and equipment to attempt to remove damaged abutments. Motion made by Rasmussen, second by Temme to approve Payment Application No. 1 amount of \$84,502.44 from Theisen Construction, Inc. as submitted. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.



# Boone County Board Minutes



Motion made by Temme, second by Rutten to approve the County Board Proceedings of August 26, 2020 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, 2020:

- Clerk - \$5,266.75 (State of Nebraska \$2,257.56)(County of Boone \$3,009.19)
- Clerk of the District Court - \$1,426.15 (State of Nebraska \$968.00)(County of Boone \$458.15)
- Sheriff - \$2,824.26
- Treasurer - Miscellaneous Receipt Nos. 18068-18121 - \$259,955.01
- Treasurer - Total Collections - \$1,920,371.32

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

Patrick Cleveland, 3C's Cleveland's Café & Catering, submitted an application for Special Designated License (SDL) for October 10, 2020. The Board reviewed the application for Special Designated License (SDL) for a wedding reception scheduled for Saturday, October 10, 2020 at the Creek Road Barn, 1846 330<sup>th</sup> Avenue, Newman Grove, Nebraska. Motion made by Rutten, second by Temme to approve, as submitted, the Application for Special Designated Liquor License request from 3C's Cleveland's Café & Catering for a wedding reception to be held at the Creek Road Barn, Newman Grove, Boone County, Nebraska on October 10, 2020 as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent and the Board discussed several road/bridge issues/projects, equipment repair, culvert replacements and shop building repairs. In addition, the following topics were discussed:

- Ziemba updated the Board in regard to the county road department surplus equipment and materials that were no longer being used and were sold on the 2020 FFA Auction.
- Ziemba and the Board discussed the mechanical issues and repairs needed for the county road sign truck. No decision was made at the meeting.
- The Jebro, Inc. of Sioux City, Iowa removed 5140 gallons of oil from the oil tanker located at Albion Road Dist. #2 yards last week. Jebro is an oil collection and recycling company. The Board and Highway Superintendent discussed disposition of the 1956 Joplin oil tank trailer that is now empty. No decision was made at the meeting.
- Ziemba and the Board discussed that crops continue to be planted in the county road right-of-ways and that some type of action needs to be enforced in order for the planting in right-of-ways to no longer continue.
- A large cottonwood tree branch fell in front of a truck on 240<sup>th</sup> Street/110<sup>th</sup> Avenue North of Highway 91, a contractor is needed to remove the tree out of the county road right-of-way.
- Ziemba informed the Board that twelve motor grader tires have been ordered from Bauer Built at \$1,310.00 per tire.
- The Board and Ziemba discussed the projects: Pilot Knob Bridge, Cedar Rapids Northwest Bridge and river bank stabilization.

Ross Davidson discussed with the Board and County Highway Superintendent the center pivots that are continuing to water County roads and washing the gravel off of the road. Davidson inquired if the County may increase the \$50.00 fine to a larger amount and possibly make the landowner pay for replacement gravel and any road repair damages. The Highway Superintendent plans to research the state statutes and regulations that govern said issues.





# Boone County Board Minutes



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 Rasmussen, second by Rutten to approve and authorize the Board Chairman to sign Resolution No. 2020-27 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, 2021 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board and County Highway Superintendent discussed repairs needed for the County Road District #2 shop building. Some of the repairs that need attention are the sewer system, gutter cleaning/replacement, cement step in front of entrance walk-through door, and the county owned grounds may need to be fenced in to defray the siphoning of fuel and removal of some of the aggregate. No action was taken at the meeting.

Margarita Landauer, Commander of Boone County American Legion, and Leon Magsamen, Vice CMD, updated the Board of the scheduled activities planned for the 2020 American Legion County Government Day program. Landauer informed the Board that the 2020 County Government Day is scheduled for Wednesday, November 18, 2020 and with the Coronavirus pandemic regulations they are looking at the use of one of the buildings at the Boone County Fairgrounds to allow for spacing. The Oratorical Speech Contest is scheduled for Saturday, December 5, 2020 with an alternate date of Saturday, December 12, 2020 to be held in the Boone County Courthouse Courtroom. Landauer asked the Board if the County may help split the cost of the event due to the noon meal is no longer donated/sponsored and that the County Legions are struggling this year financially. The Board suggested to Landauer to try and visit with businesses in each of the towns for meal/food items/donations. The County Government Day event is an American Legion program, not a county local governmental program.

The 2020-2021 County Budget public hearing for the County of Boone, Nebraska was held at 10:00 A.M. on Monday, September 14, 2020. Motion made by Rasmussen, second by Rutten to approve exceeding the 2.5% lid limitation on restricted funds by an additional 1% budget authority growth for fiscal year 2020-2021. Roll call vote: Yeas: Rasmussen, Rutten and Temme. 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 Temme, second by Rutten to approve Resolution No. 2020-25, authorizing the accounts within County Offices as stated in the resolution. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rutten, second by Rasmussen to set a Board of Equalization meeting to be held on Tuesday, October 13, 2020 at 11:00 A.M. to set the 2020 tax year levies. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.



# Boone County Board Minutes



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 2020-2021 property tax request be set at \$4,432,628.00, which is different from the 2019-2020 property tax request of \$4,262,835.00; and the 2020 county tax rate is at 0.192076, which is different from the 2019 tax rate of 0.176883. Motion made by Rasmussen, second by Temme to approve Resolution No. 2020-26 at the September 14, 2020 public hearing to adopt and approve the County Budget for 2020-2021 as published and presented with the above property tax requests. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

On July 27, 2020 the Board, John Morgan, Boone County Attorney, and Stacey Ziemba, Boone County Highway Superintendent, reviewed pending litigation and the Board authorized the County Attorney to respond to the litigation concerning a road issue. On August 26, 2020 the Board, County Attorney and County Highway Superintendent discussed the plaintiff's allegations and the County Attorney responded to the complaint filed by the plaintiff. The County Attorney discussed the information received from the plaintiff's legal counsel, after responding to the complaint, with the Board and Highway Superintendent. Morgan plans to respond to the plaintiff's legal counsel following today's discussion.

In addition, the Board and County Highway Superintendent discussed with the County Attorney the installation of a driveway in a County Road right-of-way on 140<sup>th</sup> Avenue without permission. The County Attorney advised the County Highway Superintendent to have the County Road Department remove the driveway from the County Road right-of-way on 140<sup>th</sup> Avenue.

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 updated the Board in regard to Public Defender assigned cases: 2018 – 47 cases with 44 closed, 2 conflicts and 1 open; 2019 – 38 cases with 32 closed, 1 conflict and 5 open; and 2020 to date – 26 cases with 7 closed, 3 conflict and 16 open. 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/has 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 Albion City Wide Clean-up Days is scheduled for September 17-18, 2020. The Board discussed disposition of surplus items that are no longer needed/used that was/is in storage and items no longer used in the courthouse basement with Department Heads. The Board suggested that the Department Heads let Rod Nelson, Maintenance, know what items to remove from the basement and inventory.

The Board's planned to discuss renovation of the former UNL Extension office space in the courthouse as to wall/ceiling tile/floor repairs, painting and carpet replacement/repair. The Board planned discussion was to



# Boone County Board Minutes



decide if the repairs would cost an amount where they needed to obtain two to three quotes or sealed quotes, and who locally to contact that might be interested in providing the repairs/painting services.

The UNL Extension office is now located in the new fairgrounds building known as Boone County Agricultural Education Center. The scheduled discussion was to be on repairs, but turned into a lengthy discussion with some department heads and an employee as to what office may move/utilize the nice office space. Several employees presented their thoughts and ideas. The Board will proceed with the repairs, paint and cleaning to be done to the available space and a further discussion on the occupancy of the space will be held at a later time.

On August 28, 2020, the IRS issued Notice 2020-65, as part of COVID-19 relief, allowing employers to temporarily defer withholding and paying to the IRS eligible Employees' portion of Social Security payroll taxes for pay periods starting September 1 through December 31, 2020. Unless Congress passes additional legislation forgiving the tax repayment, the employee would repay the payroll tax during the first four months of 2021. There are administrative challenges of implanting changes to the payroll software on such short notice and a significant reduction in take-home pay that would occur during the first four months of 2021. Motion made by Rutten, second by Rasmussen to approve Resolution No. 2020-28, electing to not participate in the payroll tax deferral. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Nebraska Emergency Management Agency (NEMA) requested the Board to appoint an authorized representative for the County of Boone, Nebraska for the federally declared disaster DR-4521 in order to complete paperwork/documents to receive reimbursement of COVID-19 purchased protective items. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign a letter appointing Kathy Thorberg, County Clerk, as the authorized representative for the County of Boone, Nebraska for the federally declared disaster DR-4521. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board discussed possible need for asbestos testing on the old concrete office/restroom building and former petting zoo building that are being disposed of/removed from the fairgrounds. The Board plans to look at the facilities today to see if they are ready for disposition. Building material being disposed of to a landfill needs to be tested for asbestos before removal. Motion made by Temme, second by Rasmussen to contact B2 Environmental of Grand Island for the asbestos testing. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

## Public Comments:

- Meetings: Region IV, Inc./NorthStar Services – September 17, 2020; and Northeast Nebraska Area Agency on Aging – September 17, 2020.
- NIRMA annual membership meeting to be conducted remotely/online using zoom on October 2, 2020 to vote for NIRMA Board members.

Chairman Rasmussen declared the meeting adjourned at 3:00 P.M., with the next Board meeting scheduled for Monday, September 21, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## **PUBLIC HEARING PROCEEDINGS 2020-2021 COUNTY BUDGET**

Alan Rasmussen, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 14, 2020 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. Commissioners present for said public hearing were Larry Temme, Ben Rutten and Alan Rasmussen. Chairman Rasmussen read the notice for the record. Jordan Mueller, CPA, for Schmeits, Mueller & Martinsen, P.C., was present to answer budget questions. Jim Dickerson, Albion News, was 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 2020-2021 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 2020-2021 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 2, 2020 issue of the Albion News, Albion, Nebraska.

Richard Martinsen, CPA, for Schmeits, Mueller & Martinsen, P.C., prepared the budget documents for fiscal year 2020-2021. The County Board and those present for the hearing discussed with Mueller the differences from last year's fiscal budget in the areas of asking dollars, land valuation, tax rate, property tax requirement and fund balances. Muller provided answers to questions asked with regard to the proposed budget and publication. The proposed property tax request for 2020-2021 is \$4,432,628.00, which is different from the 2019-2020 property tax request of \$4,262,835.00, being an increase of \$169,793.00 from prior fiscal year. The proposed tax rate for 2020 of 0.192076 is higher than the 2019 tax rate of 0.176883. 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 2020 County valuation is \$2,307,751,527.00 compared to the 2019 valuation of \$2,409,978,807.00 a decrease of \$102,227,280.00. The overall County taxable value decreased primarily due to re-classification of production soils and a TERC (Tax Equalization & Review Commission) order of residential values located in the City of Albion.

The adopted 2020-2021 County Budget has a tax request expense increase from the 2019-2020 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 Series 2019 was set up with funds for road/bridge infrastructure repair due to the adverse weather conditions since March of 2019. The five million dollar bond yield \$4,935,500.00 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 then submits paperwork for partial reimbursement of qualifying damages from FEMA/NEMA. 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. The seven year bonds total is Principal of \$5,000,000.00 and Interest of \$369,595.00. 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 Rasmussen, second by Temme to close said public hearing at 11:13 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.





# Boone County Board Minutes



Discussion: The county tax rate will be 0.192076. 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.

The 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 Temme, second by Rutten to approve and adopt the County Budget for 2020-2021 as published and presented with an Unused Budget Authority created for next year of \$42,228.99; and set the 2020 County Tax Rate at 0.192076, which is different than the County Tax Rate of 0.176883 for 2019. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve exceeding the 2.5% lid limitation on restricted funds by an additional 1% budget authority growth for fiscal year 2020-2021. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board expressed their appreciation to the firm Schmeits, Mueller & Martinsen, P.C. for their 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 21, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 21, 2020 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 Rutten, second by Temme to approve the County Board Proceedings of September 14, 2020 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board 2020-2021 Budget Public Hearing Proceedings of September 14, 2020 as presented. Roll call vote: Yeas: Temme, Rutten, and Rasmussen. Nays: None. Motion carried.

Laurie Krohn, County Treasurer, submitted a request for approval to pay the third bond interest payment and second bond principal payment for the new fairgrounds building Limited Tax County Building Bonds, Series 2018. Motion made by Temme, second by Rasmussen to approve and authorize Laurie Krohn, County Treasurer, to pay the third bond interest of \$25,540.00 and second bond principal amount of \$165,000.00 to Chase NYC for the new fairgrounds building Limited Tax County Building Bonds, Series 2018 as requested. Roll call vote: Yeas: Temme, Rasmussen and Rutten. 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 Rutten, second by Rasmussen to approve Resolution No. 2020-29, the 2020 County Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards as submitted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Nebraska Intergovernmental Risk Management Association (NIRMA) annual conference has been cancelled for 2020 due to the ongoing COVID-19 pandemic. A meeting will be conducted remotely/online using Zoom conferencing services on Friday, October 2, 2020 at 10:00 A.M. and will be limited to the election of four (4) NIRMA Board members. Motion made by Rasmussen second by Rutten to appoint Larry Temme the designee to cast the ballot for Boone County using Zoom on October 2, 2020. Roll call vote: Yeas: Rasmussen and Rutten. Nays: None. Abstain: Temme. Motion carried.

The Board discussed the disposition of the County Road Sign Truck. The 2003 Ford F350 sign truck has several mechanical issues and possibly costly repairs. The Board plans to research for available used trucks and possibly decide at their next meeting if they want to submit a sealed bid for the 2008 Ford F550 Dually Truck that is currently advertised by the Petersburg Fire Department.



# Boone County Board Minutes



## Public Comments:

- Meetings: Boone County Health Center – September 22, 2020; Northeast Nebraska Juvenile Services, Inc. cancelled their September meeting; NACO annul conference is currently being scheduled for December 9 - 11, 2020 in Kearney.
- Commissioner Rutten 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.
- Clerk Thorberg updated the Board regarding the Northeast District NACO phone conference held on September 18, 2020, election of the representative for Northeast District. Bill Tielke, Holt County, was re-elected for two year term as Northeast District representative.
- Chuck Rolf, Boone County Agricultural Society, Inc., updated the Board of activities that may possibly be scheduled in the new fairgrounds building: October, barrel race; November 28<sup>th</sup>, bull ride; December 2020 and January 2021, cowboy mounted shooting. In addition, Rolf updated the Board in regard to removing/using clay dirt from the hill south of the new fairgrounds building for the new arena.
- County Highway Superintendent updated the Board on road projects and equipment.
- Deputy Clerk Nicklasson updated the Board regarding COVID-19 testing/quarantine information received from East-Central District Health Department and NIRMA legal counsel.

Chairman Rasmussen declared the meeting adjourned at 11:31 A.M., with the next Board meeting scheduled for Monday, September 28, 2020.

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, September 21, 2020 at 9:58 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, Ben Rutten and Alan Rasmussen. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Duane L. Chilson, 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 regarding the approval or denial of an Application for Conditional Use Permit submitted by Duane L. Chilson. Duane L. and Joan C. Chilson are the property owners of the real estate referenced herein. The application requested that 6.07± acres of which 0.79 acres more or less is used for road purposes be divided from a parcel of farm land located in a fraction of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3, Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Duane Chilson explained to the Board that the purpose for dividing the 6.07± acres from the parcel of farm land is for separating the existing building site from the farm ground for family posterities. A survey for 6.07± 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 6.07± acres from the parcel of farm land for separating the existing building site from the farm ground for family posterities. 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 Temme to close said public hearing at 10:02 A.M. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Motion made by Rasmussen, second by Rutten to approve the Conditional Use Permit submitted by Duane L. Chilson to divide 6.07± acres of which 0.79 acres more or less is used for road purposes be divided from a parcel of farm land located in a fraction of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 3, Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska for separating the existing building site from the farm ground for family posterities. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS SEPTEMBER 28, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, September 28, 2020 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 the County Payroll Claims filed for the pay period of August 22, 2020 through September 21, 2020. The Board noted/questioned several hours of overtime for the pay period. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$94,868.55, BCBS \$47,729.32, Ameritas Ret \$6,589.68, EFTPS \$7,069.15, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$61,072.26, BCBS \$31,578.68, Ameritas Ret \$4,122.38, EFTPS \$4,602.83; Ambulance \$3,121.00, Ameritas Ret \$70.57, EFTPS \$238.76; and Public Defender Contract \$3,358.21. 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 September 21, 2020 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rasmussen to approve the County Board Zoning Public Hearing Proceedings of September 21, 2020 as presented. Roll call vote: Yeas: Temme, Rasmussen 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. The St. Edward Development Company requested assistance to advertise the Holiday Extravaganza event scheduled for November 6-8, 2020. Motion made by Rutten, second by Temme to approve the application requesting funding assistance for advertisement of the St. Edward Development Company Holiday Extravaganza event from the Visitor's Promotion Fund as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. 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 Rasmussen to approve Resolution No. 2020-30, authorizing the Boone County Treasurer to transfer funds from the General Fund (0100) to the Road Fund (0200) for the 2020-2021 Tax Year on an as needed basis not to exceed \$3,153,540.00. Roll call vote: Yeas: Temme, Rasmussen 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 with no action taken by the Board:

- Brian McDonald, engineer with JEO Consulting Group, Inc. is working on the replacement plan and estimated costs for the bridge known as Pilot Knob near Primrose. This bridge project has been extended with FEMA to March of 2021.
- Cedar Rapids Northwest Bridge project is nearing completion.
- Ziemba said that the County Road Department plans to remove the debris that was cleaned out of the culverts located in the SE1/4 of 10-18-5 and haul it out of that area.
- Ziemba informed the Board that the County Attorney sent a letter to the land owner regarding the installation of a driveway in a County Road right-of-way on 140<sup>th</sup> Avenue without permission.
- Ziemba said that the County Road Department plans to participate in the scrap tire collection in October that is sponsored by the City of Albion.

The Board received Change Order Number 2 to review for consideration for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52 in the amount of \$94,509.06. Change Order Number 1 in the amount of \$28,000.00 was approved on September 14, 2020. The original project quote was \$352,821.48 from Theisen Construction, Inc. The increase is for additional material and additional work required due to bridge redesign. The 2019 flood damage that changed the Cedar River streamflow presented unforeseen circumstances for the bridge repair project. Motion made by Temme, second by Rutten to approve the Change Order Number 2 of \$94,509.06 as submitted for the added labor and materials used for the construction of the bridge project bringing the project total amount to \$475,330.54. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On September 14 and 21, 2020 the Board discussed the disposition of the County Road Sign Truck. The 2003 Ford F350 sign truck has several mechanical issues and possibly costly repairs. The Board discussed a sealed bid amount to submit to the Petersburg Fire Department for the 2008 Ford F550 Dually Truck that is advertised for sale. Motion made by Rutten, second by Temme to submit a sealed bid to the Petersburg Fire Department for the advertised 2008 Ford F550 Dually Truck for possible replacement of the County Road Sign Truck that has several mechanical issues. Roll call vote: Yeas: Rutten Temme 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 Kevin Metz of Petersburg for pickup work in Albion. Hanson informed the Board that the State advised that the contracts be written to show the contracted individual as a Contractor/Lister. The term "Lister" was included inasmuch as a Contractor can assess values and Metz does not do assessment of values. Hanson informed the Board that there is an addition to the photo portion of the Pickup Work Wage categories. The Board recommended that Hanson and Metz each sign a Boone County Nepotism Policy Disclosure to be placed in the respective files. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign the Contractor/Lister Agreement between the County of Boone, Nebraska and Kevin Metz for the Albion pickup work from September 21, 2020 through October 30, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



# Boone County Board Minutes



## Public Comments:

- Randall Bruland submitted an informational letter to the Board for their review regarding new Rules and Regulations for Ambulance Standards. The County ordered a new 2020 County Ambulance on February 26, 2020 to replace the current 2016 County Ambulance unit. In February the estimate delivery date of the new ambulance unit was seven to nine months.
- John Morgan, County Attorney, updated the Board in regard to a fine that may be imposed when irrigation water continues to water County roads.
- The Board acknowledged receiving an informational pamphlet on propane safety.

Chairman Rasmussen declared the meeting adjourned at 11:25 A.M., with the next Board meeting scheduled for Tuesday, October 13, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
OCTOBER 13, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 13, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Commissioner Alan Rasmussen was absent. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on October 7, 2020 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 Board reviewed and discussed the Accounts Payable Vendor Claims filed for payment. The Board reviewed Vendor ID No. 677 in the amount of \$97.32 and Vendor ID No. 1378 in the amount of \$188.00 that were submitted for mileage reimbursement. The Board discussed the mileage reimbursement requests increase of one mile for each round trip from prior year's requests. The Boone County Employee Handbook addresses the use of Google Maps for direct route when not submitting the actual odometer readings for reimbursement. The Board rejected reimbursement of seven miles for Vendor ID No. 677 and eight miles for Vendor ID No. 1378. Motion made by Rutten, second by Temme to partially reject the Boone County share of mileage reimbursement request for Vendor ID No. 677 and approve payment of \$95.76 and Vendor ID No. 1378 and approve payment of \$185.20, with the use of Google Maps for direct route from address to address. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

In addition, the Board reviewed and discussed an Accounts Payable Vendor Claim filed for payment with Vendor ID No. 1507 in the amount of \$28.75 for mileage reimbursement. The Itemized Travel Expense document did not clarify how the mileage was calculated. The Boone County Employee Handbook addresses the use of Google Maps for direct route when not submitting the actual odometer readings for reimbursement. Motion made by Rutten, second by Temme to table approving payment of the mileage reimbursement request for Vendor ID No. 1507 for more clarification and the submission of google maps showing the address of the starting point and addresses of the ending points. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except for the changes as stated above: General - \$66,854.80; Road/Weed - \$523,666.11; County Visitor's Promotion (0900) - \$500.00; 911 Emergency Management (2910) - \$482.93; 911 Wireless Service (2913) - \$458.57; and Ambulance - \$2,310.86. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board received Payment Application No. 2 from Theisen Construction, Inc. of Norfolk, NE for the Cedar Rapids Northwest Bridge Project. The payment request is for a portion of the mobilization, general clearing and grubbing, bridge material, labor, etc. Motion made by Temme, second by Rutten to approve Payment Application No. 2 amount of \$349,314.34 from Theisen Construction, Inc. as submitted. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of September 28, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.





# Boone County Board Minutes



Motion made by Temme, second by Rutten to approve the following reports of the County Officials as presented for September, 2020:

- Clerk - \$13,366.00 (State of Nebraska \$7,694.97)(County of Boone \$5,671.03)
- Clerk of the District Court - \$675.31 (State of Nebraska \$345.00)(County of Boone \$330.31)
- Sheriff - \$2,830.28
- Planning and Zoning for the month of August 2020 - \$213.75
- Planning and Zoning for the month of September 2020 - \$287.50
- Treasurer - Miscellaneous Receipt Nos. 18122-18182 - \$289,566.55
- Treasurer - Total Collections - \$1,380,717.00

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

Randall Bruland, County Ambulance Administrator, and the Board discussed replacement of the chipped windshield and a mechanical issue with the message/warning light that keeps going on and off on the 2016 County Ambulance unit. The consensus of the Board and Bruland is to wait and repair the 2016 County Ambulance unit issues after the arrival of the new County Ambulance unit in December 2020.

The Board received a Certificate of Cost Allocation Plan and Computation of Indirect Costs from WJE Consulting LLC for their review. The completed county wide Cost Allocation Plan is based on actual costs for the fiscal year ended June 30, 2019. The Computation of Indirect Costs is for the county's July 1, 2020 through June 30, 2021 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. WJE Consulting LLC 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 WJE Consulting LLC for fiscal year ending June 30, 2019. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent, and the Board discussed several road/bridge issues/projects, equipment repair, box culvert replacements, and driveway culverts. In addition, the following topics were discussed:

- The Cedar Rapids Northwest Bridge (FEMA) Project is completed and is open to traffic.
- In September the County removed a driveway that was installed without permission in a County Road right-of-way on 140<sup>th</sup> Avenue and the land owner re-installed said driveway this past weekend. The County Road Department plans to remove the installed driveway again today.
- Ziemba plans to advertise for County Road Department help due to three employees are possibly retiring or resigning before the end of the year.

Cornhusker Public Power requested permission to bore electric power cable under a county road commonly known as 390<sup>th</sup> Street running east and west between Sections 29 and 32, all in Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electric power cable commences from the substation located in a fraction of the NE1/4NW1/4 of Section 32 on the south side of 390<sup>th</sup> Street; thence boring north under 390<sup>th</sup> Street; and thence boring north and west to main electrical lines located in a fraction of the S1/2 of Section 29 to connect to existing electrical lines. Motion made by Temme, second by Rutten to approve Resolution No. 2020-31, granting permission to Cornhusker Public Power to bore electric power cable under a county road known as 390<sup>th</sup> Street from Section 32 to Section 29, all in Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to connect electric power cables to the existing electrical lines. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.



# Boone County Board Minutes



Cornhusker Public Power requested permission to bore electric power cable under a county road commonly known as 390<sup>th</sup> Street running east and west between Sections 29 and 32, all in Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electric power cable commences from an existing electrical pole located in a fraction of the NW1/4NW1/4 of Section 32 on the south side of 390<sup>th</sup> Street; thence boring north under 390<sup>th</sup> Street to connect to existing electrical lines located in Section 29. Motion made by Rutten, second by Temme to approve Resolution No. 2020-32, granting permission to Cornhusker Public Power to bore electric power cable under a county road known as 390<sup>th</sup> Street from Section 32 to Section 29, all in Township 18 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to connect electric power cable to the existing electrical lines. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

The Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed the status of the removal/disposal of the former concrete office/restrooms and the removal/disposal of the floor to/and the former petting zoo building located at the Boone County Fairgrounds. The Board approved and accepted the quote from Seda Land Handling, LLC on August 17, 2020 for the removal/disposal of the old former concrete fairgrounds office/restroom/floor building and the concrete floor of the former petting zoo building. The removal/disposal of said building/floors was to occur in September. Rolf said that the individual interested in purchasing and moving the former petting zoo building from the fairgrounds to their residence was given a September 15, 2020 deadline. As of today the building has not been moved from the fairgrounds. Rolf was asked who was paying for the removal of the former petting zoo building. Rolf replied the individual that plans to purchase the said building. Rutten felt that the revenue received for the purchase of said building should be credited to the County to help cover the costs of the removal/disposal of said project. Temme suggested to Rolf that the revenue, if any is received for the former petting zoo building, should be discussed at the next Boone County Agricultural Society meeting.

The Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed the status of the removal of the fairgrounds former old sheep/goat/swine building. On August 26, 2020 the Board and Rolf discussed advertising/listing the sale of said building facility for thirty days to see if there is any interest and the consensus of the Board allowed the Boone County Agricultural Society, Inc. until October 31, 2020 to remove the livestock panels, etc. from the building and what is left of said building/concrete floor will be removed and disposed of the first week of November 2020. The Board asked Rolf the status of the old sheep/goat/swine building. Rolf replied that no decision has been made, nothing has been removed and he hopes the Board will work with them on this building.

Rolf asked the Board to consider not removing/disposing of said building as he was informed that if an entity hosts a horse event there is possibly a need for 80 to 200, 10'x10' horse stalls for an event. Rolf figured that it may be possible to renovate the former old sheep/goat/swine building into seventy-four horse stalls. Rolf said that the concrete would have to be removed from said building. Rolf estimated a new steel building would be approximately \$200,000.00. Neidhardt asked why the conversation is now changing towards keeping the former old sheep/goat/swine building and former indoor show arena building. During several meetings in 2018 prior to a decision to build/finance a new fairgrounds building, it was said the two former buildings were considered to be in poor condition and in need of renovation/replacement and the indoor show arena to small and dangerous. In addition, with the removal of the two former buildings it would open up an area for parking.

The County Clerk reminded the Board that the signed Lease Agreement with the Boone County Agricultural Society addresses the former buildings: office/restrooms, small pet/petting zoo, small animal sheep/goat/swine and indoor show arena, shall be removed from the fairgrounds property allowing for additional parking space. The consensus of the Board to table action regarding the above mentioned fairground buildings to October 26, 2020 to allow for further research.



# Boone County Board Minutes



The Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed the electrical reimbursement from the County to the Ag Society for the new fairgrounds building. Neidhardt questioned why the County is reimbursing the Ag Society for the electrical used by the new fairgrounds building. The understanding from the 2018 meetings was that the 1.3 million from the Inheritance Tax fund was the County (tax payers) contribution of the new building and the rest of the building construction, expenses and upkeep funding was to be generated through pledges, donations and grants. County Clerk updated the group that when the three year lease was prepared between the County and Ag Society, under utilities there was an additional sentence added that the County will reimburse the KWH used by the new building to the Ag Society. The reimbursement is being paid from the County General Fund.

In visiting with Loup Public Power the electrical summer rate is June 15 to October 14 and a winter rate October 15 to June 14. The separate meter to register the new fairgrounds building KWH used was installed on June 25, 2020. Currently the Ag Society has been reading the new building meter on the first of the month and not reading it on the same day as Loup Power reads the main fairgrounds meter for the billing. The Invoice submitted for reimbursement of \$1,817.60 is for the new building meter from June 25, 2020 to October 1, 2020 with the government summer rate. Motion made by Temme, second by Rutten to have Chuck Rolf, board member of the Boone County Agricultural Society, read (take picture) of meter on October 14, 2020 for end of summer rate; November 1, 2020 for winter rate; for combined summer/winter rate payment in November; and possibly move to a quarterly reading for reimbursement. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board, County Highway Superintendent and Gayle Noble, property owner, discussed water drainage/drainage ditch on the Fairgrounds property with the water/drainage to flow north from fairgrounds that will possibly flood property on the west side of 11<sup>th</sup> Street. If the Kohtz-City of Albion Dam would overflow following a heavy rain, it appears that the water flow would go north through the fairgrounds and to either or all of the following: Fairview Street; 11<sup>th</sup> Street; the ditch north of the fairgrounds (race track) property through a culvert to the crop ground north of the fairgrounds and west of the 11<sup>th</sup> Street housing and to Walnut Street from the crop ground. Noble informed the Board that the crop ground has recently been surveyed and it appears that a ditch overgrown with trees is on the crop ground side. Noble inquired if there is an easement recorded to address what appears to be a man made ditch through the fairgrounds and the crop ground for water drainage. Noble informed the group that no easement was found recorded in the county real estate records. The group discussed who is responsible for the removal of the trees, cleaning and maintenance of the ditch if it is to remain as a ditch and who all should be involved (county, city, and landowner) to possibly sign an easement regarding the water flow from south to north for possible flooding in the future. Motion made by Temme, second by Rutten to table any action until receive clarification regarding an easement document. Roll call vote: Yeas: Temme and Rutten. Nays: None. Absent: Rasmussen. Motion carried.

The Board reviewed a written resignation from a full-time County Sheriff's office employee. Motion made by Rutten, second by Temme to accept and approve the resignation of Alexandria A.A. Mullings effective October 21, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried.

Motion made by Rutten, second by Temme to go into executive session at 12:12 P.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: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried. The Board met with the Sheriff, Chief Deputy Sheriff and a Sheriff's office employee to discuss a personnel issue. Motion made by Rutten, second by Temme to come out of the executive session at 12:35 P.M. Roll call



# Boone County Board Minutes



vote: Yeas: Rutten and Temme. Nays: None. Absent: Rasmussen. Motion carried. No action was taken by the Board.

## Public Comments:

- Meetings: LEPC – October 20, 2020.
- Alexandria A.A. Mullings, Sheriff Office employee; Denny Johnson, Sheriff; and John Buck, Chief Deputy Sheriff, presented information and had a lengthy discussion in regard to wages, health insurance, longevity pay, etc. with the Board.

Vice Chairman Temme declared the meeting adjourned at 2:15 P.M., with the next Board meeting scheduled for Monday, October 19, 2020.

Kathy Thorberg,  
Boone County Clerk





# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 19, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 19, 2020 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 and Ben Rutten. Commissioner Larry Temme arrived at 9:08 A.M. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on October 14, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, October 16, 2020. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Denise Ziemba, Region 44 Emergency Manager, updated the Board in regard to Emergency Management activities. Ziemba reported that she is applying for siren grants for Belgrade, Clarks and Genoa. The Board and Ziemba discussed the area increase of positive COVID-19 cases. Ziemba reported that a Local Emergency Planning Committee (LEPC) meeting is scheduled for October 20, 2020 at the Albion Fire Hall.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of October 13, 2020 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 County Board of Equalization Proceedings of October 13, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Rasmussen. Motion carried.

Rod Nelson, Courthouse Maintenance, met with the Board to set a fire drill date. Each year a fire drill is usually conducted in the months of May and October. The Courthouse fire drill date is set for Friday, October 30, 2020 at 8:15 A.M.

The Board reviewed a written resignation from a full-time County Road Department employee. Motion made by Rutten, second by Temme to accept and approve the resignation of Matthew Klug with an effective date of October 8, 2020 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Stacey Ziemba, County Highway Superintendent; Pam Jochum, County Attorney office employee; and the Board discussed reimbursement to employees for safety-toe footwear. Ziemba said that the road employees do not want to submit their bank/credit card statement along with the receipt to receive expense reimbursements. The submission of a signed County claim with attached signed itemized receipt and a copy of bank/credit card statement all blacked out except for and only showing the employee's name, last four of card number to match receipt and purchase amount has been the documents submitted for reimbursement for several years.

Ziemba said that the road department employees want documentation as to what may be reimbursed and what documents are required to submit in order to receive reimbursement for supplies, materials, recommended safety items, etc. Ziemba contacted the Nebraska Auditor of Public Accounts asking what the proper protocol



# Boone County Board Minutes



in reimbursing county employees is. The Nebraska Auditor of Public Accounts suggested the County Board of Commissioners adopt a resolution setting policy and procedures regarding documentation required to support the reimbursement for amounts paid for expenses.

Jochum commented on a prior year reimbursement document request from the County Attorney office. The Boone County Employee Handbook addresses reimbursement protocol for Travel Time and Travel Expenses. The agenda discussion is in regard to reimbursement for supplies, materials, recommended safety items, etc. The Board plans to prepare a resolution to address the reimbursement for expenses issue at a future Board meeting.

The County of Boone, Nebraska entered into a Lease on May 2, 1972 with the Boone County Historical Society, Inc. for a period of ninety-nine (99) years for the purpose of constructing a building. The said building would be used for the Boone County Museum and for Boone County Historical Society purposes. The Lease was recorded with a metes and bounds real estate description outside the city limits of the City of Albion. In 2018 the real estate was surveyed, platted and annexed by the City of Albion. A Warranty Deed dated August 17, 2020 conveyed the real estate to the Boone County Historical Society, Inc. The County of Boone, Nebraska is no longer the owner of the property and does hereby terminate the Lease dated May 2, 1972. Motion made by Rasmussen, second by Temme to approve and authorize the Board Chairman to sign the Termination of Lease document as the property has been conveyed to the Boone County Historical Society, Inc. and the County of Boone, Nebraska is no longer owner of the property. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

County of Boone has been a member of the Nebraska Intergovernmental Risk Management Association (NIRMA) pool since the agreement for the formation of the pool was signed in November 1987. NIRMA was formed pursuant to the Intergovernmental Risk Management Act (Neb. Rev. Stat. §44-4301 et seq.) and the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801 et seq.); and counties and other public agencies as defined in Neb. Rev. Stat. §44-4303 are allowed to participate in said cooperative undertakings. The current Intergovernmental/Interlocal Agreements (NIRMA and NIRMA II) will expire on June 30, 2021. The Board discussed the NIRMA insurance renewal and prior local insurance agencies requests to submit proposals. The Board acknowledged that NIRMA is focused on county government insurance needs and dividends received by County of Boone from NIRMA is a cumulative sum of \$339,292.00 since the NIRMA program began. Motion made by Rutten, second by Rasmussen to approve and adopt Resolution No. 2020-33 to extend Boone County's commitment to participate in NIRMA and NIRMA II for the period July 1, 2021 through June 30, 2024 as submitted. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Agricultural Society, Inc. – October 19, 2020; LEPC – October 20, 2020; Northeast Nebraska Juvenile Services, Inc. – October 23, 2020.
- Rod Nelson, Maintenance, updated the Board in regard to the issues with the furnace located in the County Annex building known as the BCDA, Inc. office.
- The County Road Department employee resignation sparked another lengthy discussion with Stacey Ziemba, County Highway Superintendent; Denny Johnson, Sheriff; and Pam Jochum, County Attorney office employee, in regard to wages, health insurance, longevity pay, etc. with the Board.
- County Highway Superintendent updated the Board on road/bridge projects and equipment issues.
- County Board addressed public questions/concerns regarding the Pilot Knob Bridge; possible cost share repairs of a bridge on Boone/Madison County line; weight limit signs posted on both ends of bridges;



# Boone County Board Minutes



and to check a bridge that the Board received a call on that may need to be closed due to the condition of bridge until it is repaired, with the County Highway Superintendent.

- The Board acknowledged and reviewed a letter from the Village of Cedar Rapids regarding an issue with road dust.
- The Board acknowledged and reviewed a document from the Boone County Attorney in regard to the pending litigation concerning a road issue.
- Mike Pribnow of Primrose visited with the Board concerning the use of Village of Primrose roads by truckers.
- Steve Pritchard, UNL Extension, updated the Board on UNL Extension activity and events possibly being planned for the new building at the fairgrounds.

Chairman Rasmussen declared the meeting adjourned at 11:25 A.M., with the next Board meeting scheduled for Monday, October 26, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 26, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, October 26, 2020 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 in the Albion News, Petersburg Press and St. Edward Advance on October 21, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, October 23, 2020. 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, 2020 through October 21, 2020. The Board noted/questioned several hours of overtime for the pay period. The Board plans to visit with the respective department head. Motion made by Rutten, second by Rasmussen to approve the County Payroll Claims filed for payment from the various funds: General \$98,614.29, BCBS \$49,824.32, Ameritas Ret \$6,857.07, EFTPS \$7,340.42, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$63,248.04, BCBS \$29,730.96, Ameritas Ret \$4,269.25, EFTPS \$4,770.86; Ambulance \$3,345.29, Ameritas Ret \$93.77, EFTPS \$255.91; and Public Defender Contract \$3,358.21. 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 October 19, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Rod Nelson, Courthouse Maintenance, submitted quotes for the Board to review for replacement of the furnace in the County Annex building known as the BCDA, Inc. office. Nelson informed the Board that the furnace in the building was installed in 1997 and has several issues. The following quotes were received for a new natural gas furnace unit: Kelly's Heating & Air Conditioning of Albion - \$6,500.00 with a rebate of \$600.00 for a quote of \$5,900.00 (includes labor and five year warranty on parts and labor); Eller Heating, Air Conditioning & Plumbing, LLC of Columbus - \$7,799.00 (includes labor and ten year warranty on parts and one year warranty on labor). The Board and Nelson discussed the options of replacement or repair of the furnace. The consensus that it would be more efficient to install a new furnace instead of trying to repair a twenty-three year old furnace. Motion made by Rasmussen, second by Temme to approve the quote of approximately \$5,900.00 from Kelly's Heating & Air Conditioning for installation of a new natural gas furnace unit in the County Annex Building known as the BCDA, Inc. office. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

On October 19, 2020 and prior Board meetings the County Highway Superintendent has said that the road department employees want documentation as to what may be reimbursed and what documents are required to submit in order to receive reimbursement for supplies, materials, recommended safety items, etc. The Boone County Employee Handbook addresses reimbursement protocol for Travel Time and Travel Expenses.





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The County Highway Superintendent informed the Board that the Nebraska Auditor of Public Accounts suggested the County Board of Commissioners adopt a resolution setting policy and procedures regarding documentation required to support the reimbursement for amounts paid for expenses. Motion made by Rutten, second by Temme to approve Resolution No. 2020-34, adoption of policy and procedures for employee reimbursement for expenses. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Nebraska Department of Health and Human Services (DHHS) and Boone County, Nebraska (County) signed an Agreement for the Sharing of Office Space in October of 2016. DHHS has not had an office located in Boone County, Nebraska since November of 2010 and has only requested use of the agreed office space one time since 2010. The Board discussed how the designated space is currently being used by other County offices. DHHS does not have a standing need for the designated space and authorized termination of the 2016 Agreement. The County agrees to allow DHHS to request use of space in the Boone County Courthouse on dates required, if any, and DHHS may use the room/space that is not being used within the courthouse on said specific date. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign a Termination of Agreement for the Sharing of Office Space effective November 30, 2020 and the Boone County Board of Commissioners agree that this Termination of Agreement does not waive any obligations of Boone County under Neb. Rev. Stat. 68-130, and further agree to allow DHHS to request space in the Boone County Courthouse on dates required if any specific instance is required of DHHS to provide services to any citizen of Boone County on an irregular or emergency need. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

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, 2020 through September 30, 2021 to the Board. Sharp and Liss reviewed the budget with the Board and explained that areas of the anticipated operating revenue of \$35,245,298.00, with operating expenses of \$34,210,699.00, leaving an increase in net position of \$1,434,943.00. The out-patient revenue is projected to continue to increase; in-patient revenue is projected to remain consistent; and projected decrease in investment income as interest rates have been trending downward. Motion made by Temme, second by Rutten to accept the Boone County Health Center 2020-2021 operations budget as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board; Andy Devine, Albion City Administrator; Stacey Ziemba, County Highway Superintendent; Gayle Noble, landowner of real estate north of fairgrounds; Laurie Krohn, area landowner; and Mike Krohn, area landowner, discussed possible changes to a water/drainage issue from the fairgrounds property, Kohtz-City of Albion dam area and west side of fairgrounds road. On October 13, 2020 the Board, County Highway Superintendent and Gayle Noble, property owner, discussed water drainage/drainage ditch on the fairgrounds property with the water/drainage to flow north from fairgrounds that will possibly flood property on the west side of 11<sup>th</sup> Street. Following a heavy rain, it appears that the water flows north through the fairgrounds and to either or all of the following: Fairview Street; 11<sup>th</sup> Street; the ditch north of the fairgrounds (race track) property through a culvert to the crop ground north of the fairgrounds and west of the 11<sup>th</sup> Street housing and to Walnut Street. Andy Devine, Albion City Administrator, provided a map showing general drainage from the fairgrounds area to the north and east, where the water/drainage enters the city's surface drainage system.

There is a drainage ditch that appears to be man-made that starts north of the dam on fairgrounds property; continues north and west through the City of Albion campground area to a culvert under 11<sup>th</sup> Street; from the culvert the water/drainage continues to flow north on fairgrounds property to the road ditch on the north side of



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the fairgrounds property; water/drainage from the road ditch flows through a culvert to what appears to be the man-made drainage ditch on the crop ground lying west of the 11<sup>th</sup> Street housing.

Noble said that the drainage ditch appears to be man-made by someone years ago that is located on the crop ground that he purchased. There appears to be no easement recorded for said drainage ditch in the County Register of Deeds records. The ditch is now in need of maintenance, because it contains trees, tires, concrete and other items that impedes the water flow. Noble said he would be willing to grant an easement for said drainage ditch. The easement discussion then led to who all would possibly need to grant an easement for said drainage ditch being County, City, Noble or other landowners along 11<sup>th</sup> Street. In addition, if an easement for said drainage ditch is agreed upon who will be responsible for continued maintenance of said drainage ditch. Then the discussion led to possibly redirecting drainage water by installing culverts under Fairgrounds Road that would drain east as the damage to said road is from rain water flowing over top of the road. In addition, possibly another culvert under 11<sup>th</sup> Street as one enters the fairgrounds to continue drainage east where the city's storm sewer on Fairview Street may possibly be extended. The City and County plan to reach out to JEO Consulting Group engineers to conduct a drainage study of the area to determine the best options. Motion made by Rasmussen, second by Temme to authorize the County Highway Superintendent to contact JEO Consulting Group engineers for a hydraulic study in regard to the drainage issues. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

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

The Board reviewed a written retirement resignation from a full-time County Road Department employee. Motion made by Rasmussen, second by Rutten to accept and approve the retirement resignation of Dan Dobson with an effective date of November 4, 2020 as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

Great Plains Communications, LLC requested permission to plow fiber optic cable on the East and West side of the County Road, commonly known as 325<sup>th</sup> Avenue, commencing at the Northeast corner of the intersection of 325<sup>th</sup> Avenue and 330<sup>th</sup> Street in Section 26; thence plowing North in the road of 325<sup>th</sup> Avenue to a point of termination at the intersection of 325<sup>th</sup> Avenue and 290<sup>th</sup> Street in Section 11; thence commencing at the Northeast corner of the intersection of 325<sup>th</sup> Avenue and 310<sup>th</sup> Street in Section 23; thence plowing East on the south side of 310<sup>th</sup> Street to the Platte County line, all in Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2020-35, granting permission to Great Plains Communications, LLC to plow fiber optic cable along 325<sup>th</sup> Avenue and 310<sup>th</sup> Street located in Sections 11, 14, 23, 26, and 13, 24 all in Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska as submitted. 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 280<sup>th</sup> Avenue, commencing at the Northwest corner of the intersection of 280<sup>th</sup> Avenue and 335<sup>th</sup> Street between Section 36, Township 19 North, Range 6 West and Section 31, Township 19 North, Range 5 West; thence plowing South on the west side of 280<sup>th</sup> Avenue to a point of termination at the Northwest corner of the intersection between 280<sup>th</sup> Avenue and 370<sup>th</sup> Street between Section 13, Township 18 North, Range 6 West and Section 18, Township 18 North, Range 5 West all of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Temme, second by Rutten to approve Resolution No. 2020-36, granting permission to Great Plains Communications, LLC to plow fiber optic cable along the west side of 280<sup>th</sup> Avenue commencing in Section 36, Township 19 North, Range 6 West and Section 31, Township 19 North, Range 5 West, for three and one-half miles to point of termination at



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the intersection between 280<sup>th</sup> Avenue and 370<sup>th</sup> Street between Section 13, Township 18 North, Range 6 West and Section 18, Township 18 North, Range 5 West all of the 6<sup>th</sup> P.M., Boone County, Nebraska as submitted. 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 270<sup>th</sup> Avenue, commencing at the residence address of 3346 270<sup>th</sup> Avenue, St. Edward, Nebraska between Sections 35 and 36, Township 19 North, Range 6 West; thence plowing South on the east side of 270<sup>th</sup> Avenue to a point of termination at the Northeast corner of the intersection of 270<sup>th</sup> Avenue and 370<sup>th</sup> Street between Sections 13 and 14 in Township 18 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. 2020-37, granting permission to Great Plains Communications, LLC to plow fiber optic cable along the East side of 270<sup>th</sup> Avenue located in Section 35 and 36, Township 19 North, Range 6 West and Sections 1, 2, 11, 12, 13 and 14, Township 18 North, Range 6 West all of the 6<sup>th</sup> P.M. Boone County, Nebraska as submitted. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

On September 14 and 21, 2020 the Board discussed the disposition of the County Road Sign Truck. The 2003 Ford F350 sign truck has several mechanical issues and possibly costly repairs. On September 28, 2020 the Board submitted a sealed bid to the Petersburg Fire Department for their 2008 Ford F550 Dually Truck that was advertised for sale. Temme informed the Board and County Highway Superintendent that the Petersburg Fire Department accepted and approved the Boone County Board of Commissioners bid of \$14,002.00. Motion made by Temme, second by Rasmussen to replace the 2003 Ford County Road Sign Truck with the purchase of the Petersburg Fire Department 2008 Ford F550 Dually Truck for \$14,002.00 and authorize the County Highway Superintendent to dispose of the 2003 Ford County Truck. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

Steve Pritchard, UNL Extension, and the Board discussed policy and procedure in regard to mileage reimbursement. The Boone County Employee Handbook addresses reimbursement protocol for Travel Time and Travel Expenses. Personal vehicle mileage reimbursement needs a log of the vehicle odometer reading from door to door by the direct route on the travel log form provided. If no travel log with odometer readings is provided, the use of Google Maps for direct route from address to address is used for mileage reimbursement. Pritchard said that from the Nance County Extension office to the new Boone County Extension office at the fairgrounds the mileage round trip is 49 miles. The google map shows direct route as 24.0 for 48 miles round trip by use of Fairview Street. Motion made by Rutten, second by Rasmussen for the UNL Extension employees to submit the travel log form with odometer readings each time for mileage reimbursement or set the office to office reimbursement with the google map of 48 miles round trip as addressed in the Boone County Employee Handbook. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

John Morgan, County Attorney, Stacey Ziemba, County Highway Superintendent, and the Board discussed the County Attorney response to a document received in regard to the pending litigation concerning a road issue. Ziemba is to contact an engineer with JEO Consulting Group to discuss the issue. Morgan and Ziemba are to coordinate a response to the plaintiff's legal counsel.

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 on July 27, 2020. The Board discussed if there were possibly any changes since the July 27, 2020 visit to warrant a routine visit in October. The consensus of the Board to contact the County Sheriff to inform him that the Board is tabling the routine jail visit at this time due to COVID-19. Motion made by Temme,



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second by Rutten to table the fourth quarter jail visit to a future meeting due to the recent increase of the COVID-19 cases in Boone County. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

## Public Comments:

- Meetings: Boone County Planning Commission – October 26, 2020; Boone County Health Center – October 27, 2020; Northeast Nebraska Economic Development District – October 28, 2020.
- Commissioner Rutten updated the Board regarding the Local Emergency Planning Committee (LEPC) meeting.
- Commissioner Rutten updated the Board regarding the Northeast Nebraska Juvenile Services, Inc. meeting.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.

Chairman Rasmussen declared the meeting adjourned at 12:50 P.M., with the next Board meeting scheduled for Monday, November 9, 2020.

Kathy Thorberg,  
Boone County Clerk





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## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 9, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 9, 2020 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 in the Albion News, Petersburg Press and St. Edward Advance on November 4, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, November 6, 2020. Chairman Rasmussen acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

The Board reviewed and discussed an Accounts Payable Vendor Claim filed for payment with Vendor ID No. 259 in the amount of \$99.88 for reimbursement of personal protective equipment. Motion made by Temme, second by Rasmussen to table approving payment of the personal protective equipment reimbursement request for Vendor ID No. 259 until the Board adopts a revised resolution, for employee reimbursement for expenses. 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 for the change as stated above: General - \$63,983.09; Road/Weed - \$179,697.83; County Visitor's Promotion (0990) - \$234.30; Inheritance Tax (2700) - \$30,658.83; 911 Emergency Management (2910) - \$499.94; 911 Wireless Service (2913) - \$501.17; and Ambulance - \$3,950.77. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board received Payment Application No. 3/Final from Theisen Construction, Inc. of Norfolk, NE for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52. The said bridge was damaged during the 2019 flood. Motion made by Rutten, second by Temme to approve Payment Application No. 3/Final amount of \$39,953.76 from Theisen Construction, Inc. as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

The Board accepted and approved a written retirement resignation from a full-time County Road Department employee on the October 26, 2020 Board meeting. Motion made by Rasmussen, second by Temme to approve the payroll claim filed for payment on the Road Fund for a net amount of \$1,045.75 with the withholding amounts being included in the above approved Accounts Payable Vendor Claims 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 Proceedings of October 26, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.



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Motion made by Rutten, second by Temme to approve the following reports of the County Officials as presented for October, 2020:

- Clerk - \$6,013.00 (State of Nebraska \$2,469.32)(County of Boone \$3,543.68)
- Clerk of the District Court - \$1,042.36 (State of Nebraska \$704.33)(County of Boone \$338.03)
- Sheriff - \$1,042.65
- Treasurer - Miscellaneous Receipt Nos. 18183-18238 - \$501,849.70
- Treasurer - Total Collections - \$867,991.48

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

Laurie Krohn, County Treasurer, submitted a Distress Warrant Report. Report indicates that there were fourteen distress warrants delivered to the Boone County Sheriff on November 1, 2020 for collection of unpaid 2019 personal property taxes, not including penalties, in the sum of \$25,869.43. The total to be collected on the distress warrants with penalties is \$27,074.71. Motion made by Rasmussen, second by Rutten to accept and approve the County Treasurer's Distress Warrant Report as presented. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

The Board discussed the prior year's expenditures for employee recognition. The consensus of the Board that each elected official and full-time employee shall receive a certificate for either a turkey or ham not to exceed \$15.00 which they may redeem at any of the participating grocery stores. The certificates to be included with the employees November payroll information. The certificates would have to be redeemed on or before December 31, 2020 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 Rutten, 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, 2020. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

Tanya Sharp, Boone County Health Center President and Chief Executive Officer, presented the Hospital License Renewal for the period of 01/01/2021 to 12/31/2021 for the Board's approval. Sharp indicated that critical access hospital license is for twenty-five licensed beds, but that number may decrease to twenty beds during the current renovation and new construction. Motion made by Temme, second by Rutten to approve the Hospital License Renewal for year 2021 and authorized the execution of the license as required. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

Stacey Ziemba, Boone County Highway Superintendent, and the Board discussed several road/bridge issues/projects, equipment repairs, and driveway culverts.

The County Highway Superintendent submitted a quote for liquid Torch LT for the 2020-2021 winter from GMCO Corporation of Rifle, Colorado. The price increased from \$1.19 per gallon last winter to \$1.20 per gallon and GMCO delivers 4,500 gallons per order. The deicing liquid is used on the County asphalt/black-top roads. Motion made by Temme, second by Rasmussen to approve and authorize the Board Chairman to sign the quote from GMCO Corporation of Rifle, Colorado for \$1.20 per gallon unit price for liquid Torch LT for the 2020-2021 winter season as presented. Roll call vote: Yeas: Temme, Rasmussen 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 Rutten, second by



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Rasmussen to approve and authorize execution of Resolution No. 2020-38 regarding signing of the Year-End Certification of County Highway Superintendent Form 2020 and authorizing the Board Chairman to sign the Year-End Certification of County Highway Superintendent certifying the appointment of Stacey Ziemba, Boone County Highway Superintendent, for the calendar year 2020 as presented. Roll call vote: Yeas: Rutten, Rasmussen and Temme. Nays: None. Motion carried.

The Board received Change Order Number 3 to review for consideration for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52 with a decreased amount of \$1,560.00 for water/temporary silt fence. The original project quote was \$352,821.48 from Theisen Construction, Inc. and Change Orders Number 1 and 2 increased the project total amount to \$475,330.54. The 2019 flood damage that changed the Cedar River streamflow presented unforeseen circumstances for the bridge repair project. Motion made by Temme, second by Rutten to approve the Change Order Number 3 decreased amount of \$1,560.00 for water/temporary silt fence as submitted with a final project total amount of \$473,770.54. Roll call vote: Yeas: Temme, Rutten and Rasmussen. Nays: None. Motion carried.

The Board received a Certificate of Substantial Completion for the Cedar Rapids Northwest Bridge Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52 to review from JEO Consulting Group, Inc. The work to the Cedar Rapids Northwest Bridge Project has been inspected by authorized representatives of Owner, Contractor and Engineer and found to be substantially complete. Motion made by Rutten, second by Temme to approve and authorize the Board Chairman to sign the Certificate of Substantial Completion of the Cedar Rapids Northwest Bridge Project (FEMA) located on 150<sup>th</sup> Avenue south of State Highway 52 as submitted. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

On November 26, 2019 a Federal Fund grant agreement a/k/a Subaward Agreement was 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 for the period of performance for October 1, 2019 through September 30, 2024. DHHS submitted an Attachment 1-Funding Update-Child Support Enforcement Subawards for review of the funding update for October 1, 2020 through September 30, 2021. Beginning in 2018 the agreement arrived by email with the completed signature being done electronically. Motion made by Rutten, second by Temme to approve and authorize the Boone County Clerk of District Court to electronically execute the Attachment 1-Funding Update-Child Support Enforcement Subawards Agreement between the Nebraska Department of Health and Human Services and the County of Boone for the Child Support Enforcement Program from October 1, 2020 through September 30, 2021 as presented. Roll call vote: Yeas: Rutten, Temme and Rasmussen. Nays: None. Motion carried.

Boone County Clerk received a copy of a Corporate Manager Application from the Nebraska Liquor Control Commission. The Corporate Manager Application is for Christy M. Kemper of Genoa, Nebraska and the licensee is the Albion Country Club, Inc. The Nebraska Liquor Control Commission asked that the Corporate Manager Application be presented to the Boone County Board of Commissioners for their review and action. Motion made by Rasmussen, second by Rutten to approve the Corporate Manager Application for Christy M. Kemper for the Albion Country Club, Inc. as submitted. Roll call vote: Yeas: Rasmussen, Rutten and Temme. Nays: None. Motion carried.

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 2021 to include



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the Albion News, Petersburg Press and St. Edward Advance. Roll call vote: Yeas: Rasmussen, Temme and Rutten. Nays: None. Motion carried.

Larry Bird, Friends of the Trail Committee Chair, and the Board discussed possible future use of what is known as the county cropland (26.13 acres) that part of the trail system was constructed across in 2018. Bird suggested the possible idea of planting native grasses or a forage crop that could be cut for hay instead of planting a corn/bean field. Bird suggested a controlled burn to eliminate the weeds on the County cropland that is north of the trail between the two communication towers. Bird asked the Board to consider possibly re-installing fence in the area where a stock well was decommissioned in the southwest corner of the trail area to create dog park area. Also discussed was possibly removing the trees/fence and cleaning up the west ditch/property line area of the County cropland. The consensus of the Board is to review the suggestions of the Friends of the Trail Committee.

Nathan Olson, County Cropland Lessee, was unable to attend the Board meeting. Olson visited with the Board by telephone and plans to prepare the 2020 crop lease payment information for the Board to review. Olson acknowledged that the current County Cropland Lease terminates at midnight on December 31, 2020 and understands the protocol procedure in order for the County to lease real estate owned by the County. The County Board shall hold an open and public hearing 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 cropland acres. Motion made by Temme, second by Rasmussen to proceed with the procedure to lease the County cropland acres. Roll call vote: Yeas: Temme, Rasmussen and Rutten. Nays: None. Motion carried.

The Board received the Initial Property Appraisal from Nebraska Intergovernmental Risk Management Association (NIRMA) for the County owned property that is located at the Boone County Fairgrounds. The property appraisal report includes pictures of the fairgrounds buildings and open structures known as the stock car race track, shooting range and outdoor horse arena. The Boone County Agricultural Society, Inc. also has a separate policy with NIRMA for some of the open structure property, personal property, building contents, etc. The stock car race track and contents are listed on the County NIRMA policy instead of the Ag Society NIRMA policy. The Ag Society subleases the race track area to the Boone County Raceway during the stock car racing season. Consensus of the Board to leave the stock car race track and contents on the County NIRMA policy.

The Board, Chuck Rolf, Boone County Agriculture Society, Inc., and Pat Neidhardt, discussed the removal/disposal of the buildings from the County property known as the Boone County Fairgrounds that is addressed with #16 in the three year Lease Agreement between the County of Boone and Boone County Agricultural Society. "Removal of Buildings: The County and Ag Society understand and agree that the former office/restroom (S), small pet/animal building (T), small animal livestock (hog/sheep) barn (U), and former indoor show arena building (V), shall be removed from the Leased Property allowing for additional parking space. The time of removal and the removal expense of said buildings from the Leased Property shall occur at a time as is mutually agreed upon by the County and Ag Society following the completion of the new Boone County Agricultural Education Center building." The Board Proceedings of August 26, 2020 discussed the removal of the fairgrounds former old sheep/goat/swine building (U) allowing the Ag Society until October 31, 2020 to remove panels, etc. from the building and what was left would be removed/disposed of in November 2020.

On October 13, 2020 the Board, Chuck Rolf, Boone County Agricultural Society, Inc., and Pat Neidhardt, discussed at length the status of the removal of the fairgrounds former old sheep/goat/swine building. As of today's meeting the Ag Society has not proceeded with any item from the August 26, 2020 discussion.





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Rolf asked the Board to hold off on the removal of the old building and requested time to for a cost study of possibly renovating the old building into approximately seventy 10'x10'horse stalls. Rolf said that the Ag Society is trying to attract horse events for the new building such as cowboy mounted shooting and a new circuit barrel race series, but are unable to stall horses in the new building. Neidhardt suggested the Ag Society/building committee should prepare a three to five year plan on facilities once they know how much the new building will be used and the type of events of interest. The opinion of the former small animal livestock (sheep/goat/swine) building and the indoor show arena building seem to have changed since the building campaign was first underway in 2017-2019. During the campaign the said two buildings were in such bad shape and they were no longer useable and the indoor show arena was to small and dangerous to continue using it. Neidhardt asked, "Why can we now save the buildings when we couldn't continue to use them before the new building campaign?" The original intent at the public meetings was to tear down the said buildings to allow more space for parking.

Finances of the County fairgrounds property was also discussed. The Ag Society still has a loan debt on the Boone County Event Center building and the current new fairgrounds building ten year bond debt as of November 2020 is \$1,961,292.50. The ten-year bond debt for the new building is to be paid through the initial pledge commitments, donations and grant applications. Commissioner Temme noted that all pledges for the new building are up to date and that the Boone County Agricultural Education Center, Inc. board members said that there is approximately three years of funds collected. Temme noted that a lot of money has been invested in the new fairgrounds building and there are a lot of different things to work through with the Ag Society in order for the new building facility to possibly bring in some revenue.

The Board discussed removal of fence/trees and level/grade the west side ditch/bank of the County owned fairgrounds/cropland property. The clean-up of the old fence, trees and ditch area being discussed starts at the area on the west side of the property by the new installed mailbox/entrance to the new fairgrounds building, thence south to the end of the County cropland property. The consensus of the Board to obtain quotes for removal of the fence/trees and level/grade the west side ditch/bank from Bygland Dirt Contracting, Inc. and Seda Land Handling, LLC.

## Public Comments:

- Commissioner Temme plans to attend a meeting in Lincoln per NACO request on November 10, 2020 to testify on LB415.
- NACO annual conference is scheduled for December 9-10, 2020 in Kearney.
- The Board acknowledged receiving a letter from Nebraska Jail Standards Board, that they will be conducting an annual inspection of the County jail facility on November 18, 2020.
- The Board acknowledged receiving a dividend from NIRMA.
- The Board acknowledged receiving a copy of the NACO audit report for fiscal year 2019-2020.
- Recent passage of LB148 (2020) changes to the Open Meetings Act Neb. Rev. Stat. §84-1411 will be effective November 14, 2020.

Chairman Rasmussen declared the meeting adjourned at 12:38 P.M., with the next Board meeting scheduled for Monday, November 16, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 16, 2020

ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, November 16, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Vice Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on November 11, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, November 13, 2020. Vice Chairman Temme acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Vice Chairman Temme asked all present at the meeting for a moment of silence in memory of Alan Rasmussen, Boone County Commissioner District #2 and Chairman of the Board, followed by the Pledge of Allegiance.

Commissioner Ben Rutten, Chairman of the Boone County Safety Committee, opened the safety meeting at 9:03 A.M. to discuss routine business. The following committee members were present for the quarterly meeting: Commissioners Ben Rutten and Larry Temme; Rod Nelson, Courthouse Maintenance; Jacqueline Wells, Veteran Service Officer; and Kathy Thorberg, County Clerk. Rod Nelson, Courthouse Safety Coordinator presented the old and new business. Old business that was addressed/reviewed: (1) A Courthouse fire drill was held on Friday, October 30, 2020 at 8:15 A.M., all alarms, etc. worked and fire drill went well; (2) Electronic Systems, Inc. completed an annual inspection of the courthouse and law enforcement buildings fire alarm systems in October; (3) Johnson Controls of Omaha fixed the clock in the courthouse clock tower; (4) Nelson said that there is currently a good supply of masks, hand sanitizer and other disinfectant items on hand; and (5) Nelson said that there is ice melt on hand. New business that was addressed/reviewed: (1) Meininger Fire Protection, Inc. is scheduled for the annual courthouse fire sprinkler system inspection this week; (2) Rentokil/Presto X Bird Control Division plans to install the bird netting and bird spikes around the courthouse clock tower on November 18, 2020; (3) The last Work Comp incident reported by Boone County to NIRMA was December 2019; and (4) A county law enforcement vehicle received hail damage in August 2020. The Safety Committee meeting was adjourned by Commissioner Ben Rutten, Chairman of the Boone County Safety Committee at 9:21 A.M. The next quarterly Safety Meeting tentatively scheduled for Tuesday, February 16, 2021.

Motion made by Rutten, second by Temme to approve the County Board Proceedings of November 9, 2020 as presented. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

The Board conducted an employment evaluation with Jack Nordeen, County Weed Superintendent/Sign Technician.

The Board conducted an employment evaluation with Rod Nelson, Courthouse Maintenance.

The Board conducted an employment evaluation with Mary Ziemba, Zoning Administrator.



# Boone County Board Minutes



On October 19, 2020 and prior Board meetings the County Highway Superintendent has said that the road department employees want documentation as to what may be reimbursed and what documents are required to submit in order to receive reimbursement for supplies, materials, recommended safety items, etc. The County Highway Superintendent informed the Board that the Nebraska Auditor of Public Accounts suggested the County Board of Commissioners adopt a resolution setting policy and procedures regarding documentation required to support the reimbursement for amounts paid for expenses. The Boone County Employee Handbook addresses reimbursement protocol for Travel Time and Travel Expenses. On October 26, 2020 the Board approved Resolution No. 2020-34, adoption of policy and procedures for employee reimbursement for expenses. On November 9, 2020 the Board discussed revisions to the approved resolution for more clarification of the documentation needed for employee reimbursement expenses. The difference of the reimbursement documentation is if the reimbursed item expense is considered the Counties or a PPE item that would be considered the employees. Motion made by Temme, second by Rutten to approve and adopt Resolution No. 2020-39, shall void and take precedence over Resolution No. 2020-34 and any and all prior policies and agreements, written or verbal that pertained to reimbursement for employee expenses that are not addressed in the Boone County Employee Handbook and Safety Manual. Roll call vote: Yeas: 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 6, 2020. Due to the unexpected passing of Board of Commissioners Chairman Alan Rasmussen on November 10, 2020, the Board needs to amend the chairman and vice chairman appointments.

Motion made by Rutten, second by Temme to appoint Larry Temme as Chairman of the Boone County Board of Commissioners for completion of the year 2020. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to appoint Ben Rutten as Vice Chairman of the Boone County Board of Commissioners for completion of the year 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

## Public Comments:

- Commissioner Temme updated the Board in regard to the testimony he presented along with NACO on November 10, 2020, revenue hearing on LR415. LR415 (Clements) Interim study to examine the state inheritance tax, its current structure and recommendations on whether it should be amended, replaced, or repealed.
- Commissioner Temme updated the Board on the BCDA, Inc. meeting.
- The 2020 NACO Conference in person event scheduled for December 2020 in Kearney has been cancelled.
- NACO sent their condolences for the passing of Board of Commissioner Alan Rasmussen.
- Steve Rasmussen and C. Dean Schmid attended the Board meeting and inquired of the procedure and timeline to fill the Commissioner board member vacancy.

Vice Chairman Temme declared the meeting adjourned at 12:38 P.M., with the next Board meeting scheduled for Wednesday, November 25, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS NOVEMBER 25, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Wednesday, November 25, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme and Ben Rutten. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on November 18, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, November 20, 2020. Chairman Temme 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, 2020 through November 21, 2020. The Board noted/questioned several hours of overtime for the pay period. Motion made by Rutten, second by Temme to approve the County Payroll Claims filed for payment from the various funds: General \$94,478.95, BCBS \$47,416.49, Ameritas Ret \$6,581.76, EFTPS \$7,028.64, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$96.00; Road \$58,644.60, BCBS \$27,715.24, Ameritas Ret \$3,958.52, EFTPS \$4,423.88; Ambulance \$2,664.45, Ameritas Ret \$67.71, EFTPS \$203.84; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of November 16, 2020 as presented. Roll call vote: Yeas: 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) in October of 2019. The account received said bond proceeds as revenue for road/bridge infrastructure repair due to the adverse weather conditions of 2019. The first bond principal payment and second bond interest payment is due December 15, 2020. Motion made by Temme, second by Rutten to approve and authorize Laurie Krohn, County Treasurer, to pay the first bond principal amount of \$680,000.00 and second bond interest amount of \$43,143.75 for the Limited Tax County Road Bonds, Series 2019 prior to December 15, 2020. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

On September 9, 2019 the Board approved a resolution authorizing the issuance of Limited Tax County Road Bonds, Series 2019, (Highway Allocation Fund Pledge Bonds) of the County of Boone, Nebraska in aggregate 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. The first bond principal payment of \$680,000.00 and second bond interest payment of \$43,143.75 is due December 15, 2020 and the third bond interest payment of \$37,873.75 is due June 15, 2021. Motion made by Rutten, second by Temme to approve Resolution No. 2020-40, hereby authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$761,017.50 from the Road Fund (0200) to the Highway Allocation Bond Repay Fund (3700) as stated in said resolution. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.





# Boone County Board Minutes



The Board adopted the 2018-2019 County Budget with a new fund known as the Fair Building Fund (4025) for the construction of a new building to be located on the County property known as the Boone County Fairgrounds. The revenue for said fund was received from the bond proceeds and the County Inheritance Tax Fund. The construction contractor received final payment in September 2020 and any initial funds left in the Fair Building Fund (4025) are to be transferred to the General Fund (0100) towards costs of fixtures for the new building that were paid from the General Fund (0100). Motion made by Temme, second by Rutten to approve Resolution No. 2020-41, hereby authorizing Laurie Krohn, Boone County Treasurer, to transfer the sum of \$7,931.08 from the Fair Building Fund (4025) to the County General Fund (0100) as stated in said resolution. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

The Board Proceedings of August 14, 2014 addressed a special fund that was established in the 1960's (Soldiers and Sailors Relief Fund) through donations for operating an office to provide for emergency needs of veterans, if there becomes a time that there is not a county office. A resolution in 2002 addresses an Attorney General's Opinion and Nebraska State Statutes. The said funds were deposited into a separate Special Prestige Value Interest Account in July 2003 that is now known as the Veteran's Aid Fund (1900). The Veteran's Aid Fund (1900) funds are to be used only on veterans in accordance with Nebraska State Statutes. The Veteran's Aid Fund (1900) will no longer need to receive a tax levy until the fiscal year that the fund account is lower than \$4,000.00. Motion made by Rutten, second by Temme to approve Resolution No. 2020-42 as stated herein and its contents supersedes and takes precedence over any and all prior resolutions, board proceedings and all written or unwritten versions of said initial Soldier and Sailor's Relief Fund/Veteran's Aid Fund (1900). Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

The Board reviewed the 2021 calendar to set dates for the 2021 Board meetings. The Board usually meets every Monday but the first Monday of the month and if the Monday is a holiday then Tuesday beginning 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 for payroll approval. Motion made by Rutten, second by Temme to approve the following meeting dates for 2021 which are subject to change: January 7, 11, 19 and 27; February 8, 16 and 24; March 8, 15, 22 and 29; April 12, 19 and 26; May 10, 17 and 26; June 14, 21 and 28; July 12, 19 and 26; August 9, 16 and 26; September 13, 20 and 27; October 12, 18 and 27; November 8, 15 and 24; December 13, 20 and 28. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

Ed Knott, Applied Connective Technologies, LLC (Applied), updated the Board in regard to the Applied Communications Tower that is located on the County cropland south of the County Communications Tower. Applied has moved their equipment from their tower to the County Communications Tower. Knott informed the Board that Telebeep still has an antenna for an active pager service system on the Applied Communications Tower and that the County is still paying a monthly electrical fee on said tower. Telebeep had an Agreement for Antenna Space from 1995 with the County until the 260 foot Utility Tower with cement block transmitter building was sold to Applied Connective Technologies, LLC effective November 1, 2015. Telebeep previously paid a yearly rental rate for use of tower space to the County. The Agreement between the County and Telebeep was terminated December 31, 2015 when Telebeep decided not to relocate their antenna or pay a rental fee on the new County Communications Tower. Knott plans to visit with Telebeep in regard to removal of their equipment from the Applied tower in order for Applied to have the electrical power disconnected and remove the Applied tower from the County cropland. Knott plans to visit with the Telebeep subscribers to find out if there is any unforeseen impact by removing the tower and no longer having the Telebeep pager services. The Board feels that the County should no longer be paying an electrical bill for a tower that the County is not using. Knott plans to keep the Board informed on the tower issue.

The Board conducted an employment evaluation with Jacqueline Wells, County Veteran Service Officer.



# Boone County Board Minutes



The Board discussed the removal of fence/trees and leveling/grading of the west side ditch/bank of the County owned fairgrounds/cropland property at several meetings. The clean-up of the old fence, trees and ditch starts at the area on the west side of the County property by the new installed mailbox/entrance to the new fairgrounds building, thence south to the end of the County cropland property. The Board feels there should be room to pile, burn and bury the trees and wire on the southwest corner of the cropland property without getting in the way of the walking trail. In addition, the Board plans to speak to the approved contractor on removal of the trees piled by the race track while they are also cleaning up the fairgrounds/cropland ditch cleaning project. The Board decided to obtain quotes from Bygland Dirt Contracting, Inc. and Seda Land Handling, LLC. The approximate quotes received: Bygland Dirt Contracting, Inc. - \$1,790.00 and Seda Land Handling, LLC - \$4,800.00. Motion made by Rutten, second by Temme to approve and accept the quote from Bygland Dirt Contracting, Inc. for approximately \$1,790.00 for the removal of fence/trees and level/grade the west side ditch/bank of the County owned fairgrounds/cropland property. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

The Board conducted an employment evaluation with Stacey Ziemba, County Highway Superintendent.

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

- County Highway Superintendent updated the Board on the recently purchased 2008 Ford F550 truck that is replacing the 2003 Ford County Road Sign truck.
- The County Road District #1 John Deere Motor Grader is in Grand Island for repair.
- County Highway Superintendent plans to bill the respective entity \$125.00 per hour when the County has to repair their damages to the County roads.
- Construction of the Bridge Project C-6(393), Petersburg East was started last week.
- JEO Consulting Group, Inc. completed an engineering study of the Pilot Knob Bridge that was damaged by the 2019 flood and the study has been sent to FEMA for their review.
- On June 29, 2020 the Board signed the Natural Resources Conservation Service of the U.S. Department of Agriculture's documents to stabilize and protect eroding banks for the 2019 flood damaged FEMA bridge project for the Cedar Rapids Northwest Bridge 6(600715). The County Highway Superintendent updated the Board of the recent submission of the stabilization project documents.

John Morgan, County Attorney, Stacey Ziemba, County Highway Superintendent, and the Board discussed the County Attorney response to the pending litigation, Kaufmann Farm, LLC v. County of Boone, Nebraska, concerning a road issue. Morgan and Ziemba are to coordinate a response to the plaintiff's legal counsel.

## Public Comments:

- The Nebraska Tax Equalization and Review Commission (TERC) hearing for Case No.19R 0270 has been re-scheduled for March 8, 2021 in Lincoln, Nebraska.
- Commissioner Temme updated the Board regarding the Boone County Agricultural Society, Inc. meeting.
- The County received and deposited \$500.00 into the County General Fund from the sale of the former small pet animal building that was removed from the Boone County Fairgrounds.

Chairman Temme declared the meeting adjourned at 11:40 A.M., with the next Board meeting scheduled for Monday, December 14, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS  
DECEMBER 14, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 14, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Temme called the meeting to order and Commissioners present for roll call were Ben Rutten and Larry Temme. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on December 9, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, December 11, 2020. Chairman Temme 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 go into executive session at 9:01 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: Temme and Rutten. Nays: None. Motion carried. The Board reviewed an employee assistance request. Motion made by Temme, second by Rutten to come out of the executive session at 9:21 A.M. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried. Motion made by Rutten, second by Temme to approve the employee assistance request. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

The Board reviewed and discussed an Accounts Payable Vendor Claim filed for payment with Vendor ID No. 534 in the amount of \$180.00 for reimbursement of a continuing education and recertification credit class. Motion made by Rutten, second by Temme to table approving the continuing education and recertification credit class reimbursement request for Vendor ID No. 534 until the Board visits with and receives clarification from the department head. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the Accounts Payable Vendor Claims filed for payment from the various funds, except for the change as stated above: General - \$44,645.36; Road/Weed - \$60,341.27; County Visitor's Promotion (0990) - \$472.00; Inheritance Tax (2700) - \$18,866.47; 911 Emergency Management (2910) - \$2,065.27; 911 Wireless Service (2913) - \$4,331.62; and Ambulance - \$1,978.74. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the following reports of the County Officials as presented for November, 2020:

- Clerk - \$6,730.75 (State of Nebraska \$3,505.35)(County of Boone \$3,225.40)
- Clerk of the District Court - \$963.27 (State of Nebraska \$462.00)(County of Boone \$501.27)
- Sheriff - \$1,231.14
- Planning and Zoning - \$221.25
- Treasurer - Miscellaneous Receipt Nos. 18239-18291 - \$345,333.77
- Treasurer - Total Collections - \$681,851.91

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

Motion made by Temme, second by Rutten to approve the County Board Proceedings of November 25, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. 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 Boone County Home, Farm and Garden Show, Inc. requested assistance to advertise the Reason for the Season event that was held on December 3, 2020. Board discussion: the application was received on November 24, 2020 and the next Board meeting that the application could be reviewed was scheduled for December 14, 2020, therefore after the event date. Motion made by Temme, second by Rutten to approve the application requesting funding assistance for advertisement of the Boone County Home, Farm and Garden Show, Inc. Reason for the Season event from the Visitor's Promotion Fund as submitted. Roll call vote: Yeas: 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. 2020-43 to accept and approve the written applications of the following designated County Depositories of the County Funds for calendar year 2021: 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 and Temme. Nays: None. Motion carried.

Kathy Thorberg, County Clerk, presented the 2021-2025 Electronic Registration System (ERS II) Agreement. The Agreement is entered into by and between the Nebraska Department of Health and Human Services (NDHHS) of the State of Nebraska and Boone County Clerk of Albion, Nebraska. The Agreement concerns the utilization of the ERS II for completing electronic marriage data and transmitting such data to the NDHHS as required by Nebraska State Statute. Motion made by Temme, second by Rutten to approve and authorize the County Clerk to sign the ERS II Agreement for 2021-2025 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

The First Concord Benefits Group submitted the Section 125 Cafeteria Plan re-enrollment forms for the calendar year 2021 and Cafeteria Plan-IRC Section 125 key employees questionnaire/highly compensated employee forms for 2021. Motion made by Temme, second by Rutten to approve and authorize the Board Chairman to sign all necessary documents regarding the Section 125 Cafeteria Plan re-enrollment for 2021. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

Tanya Sharp, Boone County Health Center (BCHC) President and Chief Executive Officer, and the Board discussed the Telebeep antenna that is located on the current Applied Communications Tower, which is being used through a Telebeep active pager server system for approximately ten employees at the BCHC. Ed Knott, Applied Connective Technologies, LLC (Applied) and the Board discussed the Telebeep antenna on November 25, 2020. Applied has moved their equipment to the County Communications Tower. Telebeep decided not to relocate their antenna or pay a rental fee on the new County Communications Tower. The County is still paying a monthly electrical bill on the tower that is owned by Applied that has not been used by the County since October 2015. Applied plans to remove their tower that is located on the County cropland south of the new County Communications Tower. Sharp said that BCHC is paying a monthly fee to Telebeep for use of their pager system. Sharp plans to visit with the BCHC employees that use the Telebeep pager system and discuss with them use of an alternative communication and if there is any unforeseen impact if the pager system is discontinued. Tanya plans to let the County Clerk's office know when the electricity can be disconnected.

Fees set by Nebraska State Statute for each respective office are to be collected and deposited by the respective office according to state statute. Nebraska State Statute Chapter 84 allows custodians of public records to





# Boone County Board Minutes



charge a fee for providing copies of public records and services that are not set by Nebraska State Statute. Nebraska State Statute Chapter 53 allows the County to impose occupation taxes on the business licensed under the Nebraska Liquor Control Act. It is the desire of the County to establish reasonable fees for occupation taxes on liquor licenses; road easements/signage; road materials; public service requests, etc. The fees collected that are not set by Nebraska State Statute are to be set in a resolution by the County Board. All fees set by Nebraska State Statute for each respective office are to be collected and deposited by the respective office according to statute. In addition, all fees collected that are not set by state statute are to be turned over to the Boone County Treasurer and the collected fees shall be credited to the respective fund. Motion made by Temme, second by Rutten to approve Resolution No. 2020-44, effective January 1, 2021 and shall void and take precedence over Resolution No. 2016-64 and any and all prior policies and agreements, written or verbal that pertained to official office fees not set by Nebraska State Statute. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

On February 26, 2020 the Board approved and signed the Proposal for Demers Ambulance and a Sales Contract for the purchase of a 2020 Demers MXP-170 Type 1 Ambulance installed on a Ford F-450 Chassis including graphics and power load from Danko Emergency Equipment Co. for \$238,420.00 with delivery in approximately seven to nine months. Due to the COVID-19 issues the new ambulance unit is now tentatively scheduled for delivery in January 2021. The Board had decided not to trade-in the 2016 County Ambulance unit. The Board decided to advertise the surplus property and accept sealed bids for the 2016 County Ambulance unit. Motion made by Rutten, second by Temme to advertise the weeks of December 21 and 28, 2020 in the Albion News to accept sealed bids for the 2016 Braun Industries County Ambulance unit until 4:00 P.M. on Friday, January 8, 2021 with sealed bid opening at 11:00 A.M. on Monday, January 11, 2021. Roll call vote: Yeas: Rutten and Temme. Nays: None. Motion carried.

Nathan Olson leases the County owned dryland crop ground 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. In 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 had been moved/disturbed south of the hill in the cropland leased area. The lease amount due in 2019 was paid following harvest and the amount was based on the harvested crop acres. In addition, the 2020 payment to follow harvest and based on the harvested crop acres. Olson submitted documents regarding the 2020 soybean crop harvested on the County cropland for the Board to review. Motion made by Temme, second by Rutten to approve and accept the 2020 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 and Rutten. Nays: None. Motion carried.

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

- Updated the Board on the 2008 Ford F550 truck and the County Road District #1 John Deere Motor Grader repairs.
- A bridge on 130<sup>th</sup> Street and 320<sup>th</sup> Avenue has been closed until it can be repaired.
- Wallin Tree Service removed a large cottonwood tree on 110<sup>th</sup> Avenue.
- The Bridge Project C-6(393) Petersburg East box culvert construction is completed.



# Boone County Board Minutes



- Cargill wants to install a 100 foot driveway and contacted the County for a driveway request. Cargill plans to build a staging area off the south side of the road, just west of Cornhusker Public Power.
- Discussed bridges that need repair and asphalt/paved roads in need of repair.
- On June 29, 2020 the Board signed the Natural Resources Conservation Service of the U.S. Department of Agriculture's documents to stabilize and protect eroding banks for the 2019 flood damaged FEMA bridge project for the Cedar Rapids Northwest Bridge 6(600715). The County Highway Superintendent updated the Board of the recent submission of the stabilization project documents. The NRCS estimated costs is \$228,917.00 and have until June 2021 to complete. The NRCS grant for federal funds is 75% and the county share 25%.

## Public Comments:

- Meetings: Boone County Trails System – December 15, 2020; Northeast Nebraska Economic Development District Semi-Annual Council of Officials meeting via conference call – December 16, 2020.
- AFLAC representative plans to be at the County Courthouse on Tuesday, December 15, 2020 from 9:00 A.M. to 11:30 A.M. to answer any employee questions.
- Robert Reinhart informed the Board of road dust concerns on 250<sup>th</sup> Street northeast of Albion and north of State Highway #91. Reinhart informed the Board that he visited with the neighbors (that voiced their concerns in 2018) in the area to let them know that he was going to voice the road dust concerns to the Board of Commissioners today.

Chairman Temme declared the meeting adjourned at 1:11 P.M., with the next Board meeting scheduled for Monday, December 21, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS County Cropland Lease

Larry Temme, Chairman of the Boone County Board of Commissioners called for a motion to open a public hearing on Monday, December 14, 2020 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 and Ben Rutten. Also present for the hearing was Larry Bird, Friends of the Trail Committee Chair. Chairman Temme read the notice for the record and noted that the Open Meeting Laws are posted and available to the public.

The County Board of Commissioners has power to lease real estate owned by the county. The County Board shall hold an open and public hearing 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 cropland.

Notice of the public hearing was given in advance by publication in the Albion News the weeks of November 23 and 30, 2020, prior to the hearing date set for December 14, 2020. The public hearing notice was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, December 11, 2020.

The County Board is considering a cropland lease for the 2021, 2022, and 2023 crop years ending December 31, 2023 for approximately 26.13± acres of dry cropland (March 19, 2020 boundary survey), located in a fraction of the S1/2NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, located south of and adjacent to the present Boone County Fairgrounds. The County Board shall set a date to offer said real estate for lease to the highest bidder. If the County Board 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.

Larry Bird, Friends of the Trail Committee Chair, suggested possible future use of what is known as the county cropland that part of the trail system was constructed across in 2018. Bird suggested the possible idea of planting native grasses or a forage crop that could be cut for hay instead of planting a corn/bean field. Bird suggested a controlled burn to eliminate the weeds on the County cropland that is north of the trail between the two communication towers. The Board plans to review the weed issue in the spring.

Motion made by Temme, second by Rutten to close said hearing at 11:13 A.M. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to advertise in the Albion News the week of December 16, 2020 to accept lease bids for the 2021, 2022, and 2023 crop years ending December 31, 2023 for approximately 26.13 acres of dry cropland. Sealed bids will be accepted until 4:00 P.M. on Wednesday, December 23, 2020, at the office of the Boone County Clerk and will be opened and reviewed at 11:00 A.M. at the County Board meeting scheduled for Monday, December 28, 2020. A copy of the Lease Bids advertisement and March 19, 2020 Boundary Survey are attached hereto these proceedings. Roll call vote: Yeas: Temme and Rutten. Nays: None. Motion carried.

Kathy Thorberg, Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 21, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 21, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Commissioners Larry Temme and Ben Rutten welcomed Jonathan W. Lindgren who was appointed to complete the term for County Commissioner, District No. 2.

Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme, Ben Rutten and Jon Lindgren. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on December 16, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, December 18, 2020. Chairman Temme 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 14, 2020 as presented. Roll call vote: Yeas: Temme and Rutten. Nays: None. Abstain: Lindgren. 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. Ken Schriver of Albion has completed his second term and Jeri Wies of Petersburg has completed her first term. The Boone-Nance County Extension Board recommends the appointment of Lisa Carder of Albion and Doug Koch of Petersburg to serve their first three-year terms on the Boone-Nance County Extension Board beginning January 2021. Motion made by Rutten, second by Lindgren to appoint Lisa Carder of Albion and Doug Koch of Petersburg to serve their first three-year terms on the Boone-Nance County Extension Board beginning January 2021. Roll call vote: Yeas: Rutten, Lindgren 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 present Interlocal Agreement ends at the close of business on December 31, 2020. 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 2021 between County of Greeley and County of Boone for cooperative services to veterans as submitted. Roll call vote: Yeas: Temme, Rutten and Lindgren. Nays: None. Motion carried.





# Boone County Board Minutes



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 Rutten, second by Temme to approve and accept the Certification from the County Clerk to the County Treasurer as presented. Roll call vote: Yeas: Rutten, Temme and Lindgren. Nays: None. Motion carried.

Wayne Choat requested permission to trench an electrical line across a county road commonly known as 330<sup>th</sup> Street running east and west between Sections 26 and 35, all in Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. The electrical line commences from a power pole located in the road right-of-way on the South side of 330<sup>th</sup> Street in the E1/2NW1/4 of Section 35; thence trenching north across 330<sup>th</sup> Street to an existing irrigation well located in the SW1/4 of Section 26, all in Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Rutten, second by Lindgren to approve Resolution No. 2020-45, granting permission to Wayne Choat to trench an electrical line across a county road known as 330<sup>th</sup> Street to the SW1/4 of Section 26, Township 19 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, to convert existing irrigation well to electric. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

The Board and Mary Ziemba, County Zoning Administrator, discussed Ziemba's request of possibly hiring an assistant for the zoning office. Ziemba prepared a lengthy document that outlined an administrative assistant duties and responsibilities to assist the zoning office and the paperwork for the road department/highway superintendent. The Board asked Ziemba if she thought 50% of her time was devoted to zoning and 50% to road department paperwork. Ziemba said it depends on each month's activity. The Board acknowledged the extra paperwork in 2019 and 2020 submitted to FEMA/NEMA due to the 2019 flood damages. The consensus of the Board to monitor the Zoning office workload the first few months of 2021, before deciding on the need of an additional employee.

Stacey Ziemba, County Highway Superintendent, presented possible building structures for a new break room for the County Road District #1, Cedar Rapids shop building. The Board and County Highway Superintendent have held several discussions since October 2017 in regard to a different breakroom for the County Road District #1, Cedar Rapids shop building. The Board and Ziemba discussed the different custom designed buildings by Premier Portable Buildings of Norfolk, Nebraska. The structure designs discussed were in regard to size; style; set on concrete slab or treated rails; what side of building for windows and the door be placed; and attach to present shop building or walk outside from shop door to breakroom door. An estimated cost for a cabin style portable building, unfinished and no electrical hookup is approximately \$9,845.00. The Board had some questions and suggestions for Ziemba to discuss with Premier Portable Buildings before a decision is made.

Stacey Ziemba, County Highway Superintendent, and the Board discussed the pending litigation, Kaufmann Farm, LLC v. County of Boone, Nebraska, concerning a road issue. The size of culvert/tubes and headwall was discussed. Ziemba is to obtain more information for the Monday, December 28, 2020 Board meeting.

Stacey Ziemba, County Highway Superintendent, informed the Board that she interviewed two applicants for the county road department advertised job position. Ziemba and the Board discussed the starting wage for new road employees. The present starting wage for new road employees is a range of \$14.00-\$15.00 per hour depending upon experience. In addition, the county pays the full family health NACO BCBS insurance premium; employee only dental premium; and retirement per state statute. When figuring an employee's actual hourly wage, the county share of insurance, retirement and social security is factored into the total. (Example based on 40 hour work week: \$14.50/hr. + Social Security \$1.08/hr. + Retirement \$0.96/hr. + employee/spouse health insurance \$10.66/hr. = total hourly wage of \$27.20/hr.)



# Boone County Board Minutes



The Board directed Ziemba to offer the applicants \$14.50 per hour with said benefits and with a start date the first week of January 2021.

In addition, Ziemba informed the Board that there is still some issues with the John Deere motor grader that was recently repaired. The John Deere motor grader is not the next one on the inventory list to be replaced, but it has been repaired often the past year. Ziemba contacted CAT about possibility trading the John Deere for a new CAT. Ziemba has not received a quote from CAT to date.

## Public Comments:

- Meetings: Boone County Health Center – December 22, 2020.
- Commissioner Rutten updated the Board regarding the Boone County Trails System meeting.

Chairman Temme declared the meeting adjourned at 11:13 A.M., with the next Board meeting scheduled for Monday, December 28, 2020.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



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

Larry Temme, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, December 21, 2020 at 9:29 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. 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 Jon Lindgren. Also present for said hearing to answer any questions were Mary Ziemba, County Planning and Zoning Administrator, and Daniel Rasmussen, Applicant. Chairman Temme read the notice for the record and noted that the Open Meeting Laws are posted and available to the public.

Notice of the public hearing was given in advance by publication in the Albion News on December 9, 2020. The public hearing notice was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Friday, December 18, 2020.

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 Daniel L. Rasmussen. Phyllis L. Rasmussen and Phyllis L. Rasmussen, Trustee of the Cyrus A. Rasmussen Irrevocable Testamentary Trust are the property owners of the real estate referenced herein. The application requested that 5.00± acres be divided from a parcel of farm land located in a fraction of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 24, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska.

Daniel Rasmussen explained to the Board that the purpose for dividing the 5.00± acres from the parcel of farm land is to build a new house on the existing building site. 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 to build a new house on the existing building site. 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 9:35 A.M. Roll call vote: Yeas: Rutten, Temme and Lindgren. Nays: None. Motion carried.

Motion made by Rutten, second by Lindgren to approve the Conditional Use Permit submitted by Daniel L. Rasmussen to divide 5.00± acres from a parcel of farm land located in a fraction of the Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4) of Section 24, Township 20 North, Range 5 West of the 6<sup>th</sup> P.M., Boone County, Nebraska to build a new house on the existing building site. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS DECEMBER 28, 2020 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Monday, December 28, 2020 in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Temme called the meeting to order and Commissioners present for roll call were Larry Temme, Ben Rutten and Jon Lindgren. Notice of the meeting was given in advance by publication in the Albion News, Petersburg Press and St. Edward Advance on December 23, 2020 and the convened meeting was open to the public.

The agenda was posted on the Boone County website; posted on the information board located in the Courthouse north entrance; emailed to the Board of Commissioners; and emailed to the Elected Officials and department heads on Thursday, December 24, 2020. Chairman Temme 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, 2020 through December 21, 2020. Motion made by Rutten, second by Lindgren to approve the County Payroll Claims filed for payment from the various funds: General \$105,926.98, BCBS \$49,824.32, Ameritas Ret \$7,363.78, EFTPS \$7,900.43, LTD Premiums \$2.27, Section 125 Fees \$10.00, Wellness Program \$112.00; Road \$56,786.50, BCBS \$27,883.24, Ameritas Ret \$3,833.08, EFTPS \$4,281.75; Ambulance \$3,527.23, Ameritas Ret \$102.65, EFTPS \$269.83; and Public Defender Contract \$3,358.21. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

Motion made by Temme, second by Rutten to approve the County Board Proceedings of December 21, 2020 as presented. Roll call vote: Yeas: Temme, Rutten and Lindgren. Nays: None. Motion carried.

Motion made by Rutten, second by Temme to approve the County Board Zoning Public Hearing Proceedings of December 21, 2020 as presented. Roll call vote: Yeas: Rutten, Temme and Lindgren. 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 2018 are all completed. Jarecki updated the Board in regard to Public Defender assigned cases: 2018 – 47 cases with 45 closed and 2 conflicts; 2019 – 38 cases with 33 closed, 1 conflict and 4 open (all 4 cases are the same individual); and 2020 to date – 35 cases with 16 closed, 4 conflicts and 15 open. 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/has 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 Lindgren. Nays: None. Motion carried.





# 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 walk through visit of the Boone County Jail per Nebraska State Statute.

The Boone County Board of Commissioners advertised for sealed bids for the 2021, 2022 and 2023 crop years ending December 31, 2023 for approximately 26.13± acres of dry cropland, according to boundary survey dated March 19, 2020. The County of Boone, Nebraska owns and will be leasing a fraction of the S1/2NE1/4 of Section 28, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, containing 26.13 acres more or less of which 0.75 of an acre more or less is occupied by county road right-of-way. The dry cropland real estate is located south of the present Boone County Fairgrounds. The Board received one sealed bid before the advertised deadline. The sealed bid received: Nathan Olson - \$230.00/acre. Motion made by Rutten, second by Lindgren to approve and accept the bid from Nathan Olson of \$230.00/acre for the 2021, 2022 and 2023 crop years ending December 31, 2023. Roll call vote: Yeas: Rutten, Lindgren and Temme. Nays: None. Motion carried.

John Morgan, County Attorney, Stacey Ziemba, County Highway Superintendent, and the Board discussed a response to the pending litigation, Kaufmann Farm, LLC v. County of Boone, Nebraska, concerning a road issue. The County Highway Superintendent is to forward the information from Brian McDonald, JEO Consulting Group, Inc., to the County Attorney in order for the County Attorney to respond to the plaintiff's legal counsel.

## Public Comments:

- The Board acknowledged receiving a letter from NIRMA, approving in part the NIRMA ASSIST program funding application that was submitted for safety-toe footwear.
- The Board acknowledged receiving the annual evaluation of the Boone County Jail conducted on November 18, 2020 by Dan Evans, Criminal Justice Field Representative for the Nebraska Commission on Law Enforcement and Criminal Justice, to determine compliance with the Nebraska Minimum Jail Standards. The facility was determined to be in full compliance.
- The County Highway Superintendent updated the Board on the status of the John Deere motor grader that was recently repaired.
- The County Highway Superintendent updated the Board on the status of a new break room for the County Road District #1, Cedar Rapids shop building per the Board's questions on December 21, 2020 in regard to the Premier Portable Buildings.
- The Board updated the County Highway Superintendent and County Attorney of possible road issues occurring on 100<sup>th</sup> Avenue, 140<sup>th</sup> Avenue, 240<sup>th</sup> Avenue, 250<sup>th</sup> Avenue and 270<sup>th</sup> Avenue.

Chairman Temme declared the meeting adjourned at 12:26 P.M., with the Board 2021 Reorganizational meeting scheduled for Thursday, January 7, 2021 and the next regular Board meeting scheduled for Monday, January 11, 2021.

Kathy Thorberg,  
Boone County Clerk



# Boone County Board Minutes

