



# Boone County Board Minutes



## BOONE COUNTY BOARD OF COMMISSIONERS PROCEEDINGS OCTOBER 11, 2016 ALBION, NEBRASKA

The Boone County Board of Commissioners of Boone County, Nebraska, met in regular session at 9:00 A.M. on Tuesday, October 11, 2016, in the Commissioners Meeting Room of the Courthouse in Albion, Nebraska.

Chairman Luettel called the meeting to order and Commissioners present for roll call were Ken Luettel, Jerry L. Tisthammer and Hilary K. Maricle. Notice of the meeting was given in advance by publication and the convened meeting was open to the public. Chairman Luettel acknowledged the agenda and noted that the Open Meeting Laws are posted and available to the public.

Jeff Jarecki, Public Defender, presented a report to the Board regarding the status of court cases since his appointment to the position in August 2012. Jarecki reported that the cases assigned in 2012, 2013 and 2014 are all completed. Jarecki reported that he was assigned forty-four cases in 2015 with two cases being a conflict of interest and four cases remain open. Jarecki reported that he has been assigned thirty-seven cases to date in 2016 and nine cases remain open. Jarecki answered the Board's questions regarding conflict of interest and closed/open cases. Jarecki explained that there are times when he cannot defend the assigned case since he is already defending one of the parties involved. The Board thanked Jarecki for the updated report and his diligent services. Motion made by Maricle, second by Luettel to accept and approve the Boone County Public Defender report as presented. Roll call vote: Yeas: Maricle, Luettel and Tisthammer. Nays: None. Motion carried.

The Board reviewed several Accounts Payable Vendor Claims filed for payment on the various county funds. Motion made by Maricle, second by Tisthammer to approve the Accounts Payable Vendor Claims filed for payment from the various funds: General - \$50,266.60; Road - \$141,083.28; Boone County Visitor's Promotion - \$646.00; Inheritance Tax Fund - \$77,204.81; 911 Emergency Management (2910) - \$310.49; 911 Wireless Service (2913) - \$798.40; Ambulance - \$243,672.23. Roll call vote: Yeas: Maricle, Tisthammer and Luettel. Nays: None. Motion carried.

Motion made by Tisthammer, second by Maricle to approve an Accounts Payable Vendor Claim filed for payment on the Road fund for Vendor ID No. 801 in the amount of \$1,084.02, a non-exclusive contract for services to back-haul aggregate for the county. Roll call vote: Yeas: Tisthammer and Maricle. Nays: None. Abstain: Luettel. Motion carried.

Motion made by Luettel, second by Maricle to approve the County Board Proceedings of September 26, 2016 as presented. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

Motion made by Tisthammer, second by Luettel to approve the County Board of Equalization Proceedings of September 26, 2016 as presented. Roll call vote: Yeas: Tisthammer, Luettel and Maricle. Nays: None. Motion carried.

Motion made by Maricle, second by Tisthammer to approve the County Board Public Hearing Proceedings of September 26, 2016 as presented. Roll call vote: Yeas: Maricle, Tisthammer and Luettel. Nays: None. Motion carried.



# Boone County Board Minutes



The Board and Denny Johnson, Sheriff, held a lengthy telephone conference with Don Prochaska and Bill Huey, Prochaska and Associates of Omaha, Nebraska, regarding possible renovations to the law enforcement building. Prochaska works with the State of Nebraska, Jail Standards Division, to make sure that the renovation project satisfies the requirements for security and safety issues following the review/study of the county jail facility by the State of Nebraska, Jail Standard Division. The new IP Surveillance System has already been installed in the law enforcement and courthouse buildings and the two parking lots. The phase one project discussion included the surveillance camera system, along with three additional observation windows in the jail cells, replacement of facility restroom areas, installation of automatic lock doors between certain areas and installation of video visitation equipment for inmates to be located in the courthouse building. Also, discussed was the possible renovation of the dispatch area to allow for more convenience and safety. Don Prochaska suggested a second phase project to plan for future changes and renovations in the law enforcement building. The firm assures compliance with the State of Nebraska, Jail Standards Division when they produce plans and specifications. Prochaska estimated phase one planning/specifications costs to be approximately \$20,000.00-\$25,000.00. The first phase would meet the immediate safety compliance needs suggested by State of Nebraska, Jail Standards Division. Motion made by Luettel, second by Maricle to approve and authorize Denny Johnson, Sheriff, to work with Prochaska and Associates and proceed with phase one to meet the safety and compliance issues as approved by State of Nebraska, Jail Standards Division. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

Darrel Thorin, County Highway Superintendent, appeared before the Board and presented his September report for the Board to review. In addition, the following topics were discussed:

- Thorin updated the Board regarding road/bridge maintenance, materials and projects.
- Thorin updated the Board regarding the contracted culvert replacement project.
- Thorin and the Board discussed the possible purchase of a new signage program for the road department. The program may be compatible with a tablet to be used for the picture and location of the signage, then download the information to the office computers. The new program and tablet would save time by the office staff, as they would no longer manually re-enter the information into the office computers, which is picked up in the field. Thorin said that a government rate for a tablet at Verizon would add approximately \$10.41 to the current Verizon monthly road department billing. The consensus of the Board was for Thorin to proceed with the software/hardware updates for the signage programs.
- The Board, County Highway Superintendent and County Sheriff received information that a non-approved driveway/approach has been installed in a county road right-of-way. The county road department removed a driveway in the same area in 2015, due to safety issues of the driveway being in the county road right-of-way below a hill. Motion made by Luettel, second by Tisthammer to authorize the Boone County Road Department to remove the non-approved driveway/approach located in the county road right-of-way with the assistance of county law enforcement. Roll call vote: Yeas: Luettel, Tisthammer and Maricle. Nays: None. Motion carried.



# Boone County Board Minutes



Darrel Thorin, County Highway Superintendent, presented a quote for the Board to review for the purchase of a used pickup for the county road department. Thorin informed the Board that the 2008 Chevrolet Silverado that will be traded in currently has 129,397 miles. The quote from Schalk Auto, Inc. of Albion, NE is for a 2014 Ford F150 Pickup with 3,326 miles for \$30,995.00 less trade in of \$9,095.00. Motion made by Maricle, second by Luettel to approve and authorize Darrel Thorin, County Highway Superintendent, to sign the necessary papers for the purchase of a used 2014 Ford Pickup from Schalk Auto, Inc. for \$21,900.00 as presented. Roll call vote: Yeas: Maricle, Luettel and Tisthammer. Nays: None. Motion carried.

Motion made by Maricle, second by Tisthammer to approve the following reports of the County Officials as presented for September 2016:

- Clerk - \$6,322.50 (State of Nebraska \$2,884.08) (County of Boone \$3,438.42)
- Clerk of the District Court - \$840.03 (State of Nebraska \$466.00) (County of Boone \$374.03)
- Sheriff - \$1,045.12
- County Planning & Zoning - \$401.75
- Treasurer - Treasurer's Fees - none; Miscellaneous Receipt Nos. 15245-15306 - \$305,605.41; Total Collections - \$1,124,085.48

Roll call vote: Yeas: Maricle, Tisthammer and Luettel. Nays: None. Motion carried.

Nebraska State Statute §39-1401 of the Nebraska Highway and Bridge Law Manual, states: "Public roads shall mean all roads within this state which have been laid out in pursuance of any law of this state, and which have not been vacated in pursuance of law, and all roads located and opened by the county board of any county and traveled for more than ten years." It has been found that three sections of Boone County Roads have been maintained and traveled for more than ten (10) years and records cannot be found showing said roads were ever recorded as an open road in the County Road Record Book. The following roads need to be recorded in said road record book as officially opened at their current Right-of-Way widths:

- A road commencing at a point between the NW corner of Section 4 and the NE corner of Section 5, Township 20 North, Range 5 West, thence South for one and one-half (1 1/2) mile to the NE corner of the SE1/4 of Section 8 and the NW corner of the SW1/4 of Section 9, Township 20 North, Range 5 West, of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as 300<sup>th</sup> Avenue (66 ft. ROW).
- A road commencing at a point between the NE corner of Section 32 and the NW corner of Section 33, Township 20 North, Range 5 West, thence South for one (1) mile to a point between SE corner of Section 32 and the SW corner of Section 33, Township 20 North, Range 5 West, of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as 300<sup>th</sup> Avenue (72 ft. ROW).
- A road commencing at a point between the NW corner of Section 17 and the NE corner of Section 18, Township 20 North, Range 5 West, thence South for one (1) mile to a point between the SW corner of Section 17 and the SE corner of Section 18, Township 20 North, Range 5 West, of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as 290<sup>th</sup> Avenue (66 ft. ROW).

Motion made by Luettel, second by Tisthammer to approve Resolution No. 2016-56, that all said roads described above be recorded as open county roads, with current existing boundaries being the established Right-of-Way as presented. Roll call vote: Yeas: Luettel, Tisthammer and Maricle. Nays: None. Motion carried.



# Boone County Board Minutes

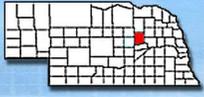


Great Plains Communications requested permission to plow fiber optic cable across a county road commonly known as 180<sup>th</sup> Street, running East and West between Sections 7 and 18, all in Township 21 North, Range 6 West and Sections 12 and 13, all in Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Great Plains Communications will be commencing at the SE corner of 180<sup>th</sup> Street/230<sup>th</sup> Avenue intersection, thence plowing westerly on the north side of 180<sup>th</sup> Street for a distance of 10,523 feet to a point of termination at an existing telephone pedestal located in the SW1/4 of Section 12, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Tisthammer, second by Maricle to approve Resolution No. 2016-57, granting permission to Great Plains Communications to plow fiber optic cable across a county road known as 180<sup>th</sup> Street and plowing westerly on the north side of 180<sup>th</sup> Street in the county road right-of-way as presented. Roll call vote: Yeas: Tisthammer, Maricle and Luettel. Nays: None. Motion carried.

Great Plains Communications requested permission to plow fiber optic cable across a county road commonly known as 220<sup>th</sup> Avenue, running North and South between Section 7, Township 21 North, Range 6 West and Section 12, Township 21 North, Range 7 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Great Plains Communications will be commencing at the NE corner of 220<sup>th</sup> Avenue/180<sup>th</sup> Street intersection, thence plowing northerly on the east side of 220<sup>th</sup> Avenue a distance of 3,940 feet to a point of termination at a driveway located in the NW1/4 of Section 7, Township 21 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska. Motion made by Maricle, second by Tisthammer to approve Resolution No. 2016-58, granting permission to Great Plains Communications to plow fiber optic cable across a county road known as 220<sup>th</sup> Avenue and plowing northerly on the east side of 220<sup>th</sup> Avenue in the county road right-of-way as presented. Roll call vote: Yeas: Maricle, Tisthammer and Luettel. Nays: None. Motion carried.

The Petersburg Community Club requested a temporary road closure for safety reasons for the Punkin' Chunkin' event scheduled for October 30, 2016. The road closure is for 150<sup>th</sup> Street, located between Sections 30 and 31, all in Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska; commencing at the junction of 220<sup>th</sup> Avenue and 150<sup>th</sup> Street, thence east one mile on 150<sup>th</sup> Street and terminating at the junction of 150<sup>th</sup> Street and 230<sup>th</sup> Avenue. The alternate road closure request is for 140<sup>th</sup> Street, located between Sections 19 and 30, all in Township 22 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, commencing at the junction of 220<sup>th</sup> Avenue and 140<sup>th</sup> Street, thence east one mile on 140<sup>th</sup> Street and terminating at the junction of 140<sup>th</sup> Street and 230<sup>th</sup> Avenue. Motion made by Luettel, second by Tisthammer to approve Resolution No. 2016-59 for a temporary road closure relating to the Petersburg Community Club Punkin' Chunkin' event as presented. Roll call vote: Luettel, Tisthammer and Maricle. Nays: None. Motion carried.

The County of Boone, Nebraska has received the paper documents regarding indirect costs for fiscal year ending June 30, 2017 from Sequoia Consulting Group. In addition, the County of Boone, Nebraska has received a letter from the Nebraska Department of Health and Human Services (DHHS) denying the requests dated September 15, 2014 and September 21, 2015 for payment for office space in regard to indirect costs. The DHHS letter for denial is pursuant to Neb. Rev. Stat. §68-130, counties are required to maintain the office space used for the administration of public assistance programs, as such space permitted on April 1, 1983 and to allow DHHS to occupy that space at no cost. DHHS in the past claimed federal reimbursement and issued payment to counties for such space and are unable to continue to do so since they are not permitted to claim reimbursement for such costs under their most recent federally approved cost allocation plan. Motion made by Maricle, second by Tisthammer to approve and serve a written notice to Sequoia Consulting Group, terminating the agreement



# Boone County Board Minutes



pursuant to paragraph 8 effective October 11, 2016. Roll call vote: Yeas: Maricle, Tisthammer and Luettel. Nays: None. Motion carried.

The Neb. Rev. Stat. §68-130, requires counties to provide Nebraska Department of Health and Human Services (DHHS) with free office space and service facilities. The Board met with a DHHS representative in April 2011 regarding office space due to that a DHHS office was no longer located in the County of Boone and they agreed to move the DHHS space to the current courthouse room of 180 sq. ft. as free space to be available if a representative from DHHS needed to meet with a client. DHHS sent an Agreement for the Board to review. The Agreement is to clarify sharing the space so County of Boone can gain additional usage of the room. Motion made by Maricle, second by Tisthammer to approve and authorize the Board Chairman to sign the “Agreement for the Sharing of Office Space” between the Nebraska Department of Health and Human Services and the County of Boone, Nebraska as presented. Roll call vote: Yeas: Maricle, Tisthammer and Luettel. Nays: None. Motion carried.

The Board and County Clerk discussed information for a resolution regarding fees charged by the county offices that are not set by statute. A resolution will be prepared for approval at a future Board meeting.

## Open Discussion and miscellaneous public comments:

- The Board discussed various meetings scheduled this week.
- The Board, Denny Johnson, Sheriff, and Darrel Thorin, County Highway Superintendent, held a lengthy discussion regarding a recurring safety hazard during harvest and other certain times of the year when grain trucks are parked along the shoulder of State Highway 14-39 south of Albion waiting to turn onto a county road known as 260<sup>th</sup> Street to unload at Cargill. The Board set Wednesday, October 26, 2016 at 10:00 A.M. to try to organize a meeting involving the County of Boone, City of Albion, Nebraska Department of Roads, Cargill, Valero and possibly some truck drivers to attempt to resolve the hazardous problem.

Commissioner Luettel declared the meeting adjourned at 1:15 P.M. with the next Board meeting scheduled for Monday, October 17, 2016.

Kathy Thorberg,  
Boone County Clerk